

The following standards supplement the specific district regulations set forth in this zoning regulation.

29.1 Accessory Units. Accessory units must be located on the same parcel as an existing dwelling unit and cannot be subdivided from the parcel on which they are located. With the exception of accessory apartments, accessory units can either be attached or detached to the primary unit. Accessory apartments, caretaker residences and guest houses shall meet the following specific requirements:

- a. Accessory apartments: An accessory apartment is an independent living facility added onto or created within a single-family dwelling unit.
 1. Accessory apartments are permitted in the following zoning districts: RC-SF-2.5; RC-SF-5; RC-SF-10; RC-SF-20; RC-SF-40; and RC-SF-100. They are conditionally permitted in the following zoning districts: R-SF-6,500; R-SF-7,500; R-SF-11,000; and RC-SF-1.
- b. Caretaker residence: A caretaker residence is an independent living facility for a caretaker of a single-family dwelling unit. The following requirements pertain to caretaker residences:
 1. Caretaker residences are permitted in the following districts: RC-SF-2.5; RC-SF-5; RC-SF-10; RC-SF-20; RC-SF-40; and RC-SF-100. They are conditionally permitted in the following zoning districts: R-SF-6,500; R-SF-7,500; R-SF-11,000; and RC-SF-1.
 2. Caretaker residences cannot be leased to the general public.
 3. The design of a caretaker residence shall be similar in appearance and character to the existing dwelling unit.
 4. A minimum of one on-site parking space shall be provided per caretaker residence.
 5. Only one caretaker residence per parcel is permitted. If located on a parcel smaller than 10 acres, a caretaker residence is limited to 800 square feet. If the parcel is over 10 acres, a 1,500-square-foot caretaker residence is permitted.
- c. Guest house. A guest house is a second living unit specifically intended for use by guests or family members. The following requirements pertain to guest houses:

1. Guest houses are permitted in the following zoning districts: RC-SF-2.5; RC-SF-5; RC-SF-10; RC-SF-20; RC-SF-40; and RC-SF-100. They are conditionally permitted in the following zoning districts: R-SF-6,500; R-SF-7,500; R-SF-11,000; and RC-SF-1.
 2. A guest house cannot be leased to the general public.
 3. The design of a guest house shall be similar in appearance and character to the existing dwelling unit.
 4. A minimum of one on-site parking space shall be provided per guest house.
 5. There can be no more than one guest home per parcel. If located on a parcel smaller than 10 acres, a guest home is limited to 800 square feet. If the parcel is over 10 acres, a 1,500-square-foot guest home is permitted.
- 29.2 Air Quality Protection Requirement. In order to protect the air quality of the District, emission protection standards will be required for all subdivisions and conditional uses proposed after the adoption of this regulation. Every subdivision and conditional use permit located within the GC/BS Planning and Zoning District shall include the following emission standards in their covenants: all wood-burning devices shall meet EPA certification standards.
- 29.3 Animal-Proof Refuse Requirement. All refuse shall be stored in animal-proof containers or made unavailable to all domestic and wild animals.
- 29.4 Bed and Breakfast Inns. All bed and breakfast inns shall be subject to the following regulations:
- a. The proprietor or operator shall reside in the bed and breakfast inn.
 - b. Meals shall be prepared from a central kitchen facility and served only to guests.
 - c. There shall be no alteration to the exterior of the structure which would detract from the residential character of the neighborhood. Any alteration to the exterior of the structure which is for the purpose of increasing the number of guest rooms shall be reviewed as a conditional use.
 - d. One parking space per guest room shall be provided, in addition to the two parking spaces required for a single family dwelling unit. All parking shall meet the off-street parking requirements of Section 34.
 - e. Additional standards in this regulation shall apply, including but not limited to stream setback, design and sign standards and landscaping.

29.5 Campgrounds: All campgrounds shall be subject to the following requirements:

- a. The area of a lot, parcel or tract of land to be used shall contain not less than two acres.
- b. No campsite shall be located within 50 feet of any boundary or property line of such lot, parcel, or tract of land, or within a distance of 100 feet from the edge of the right-of-way of any public road.
- c. The density of campsites in a campground shall not exceed an average of 15 campsites per acre of the developed portion of the campground. The developed portion of the campground shall include campsites, service roads, management office, storage facilities, sanitary facilities and caretaker residence.
- d. Each campsite shall have a minimum area of 1,800 square feet and shall include a parking space, outdoor grill/fire pit, picnic table and camping pad. The camping pad shall have no more than two-percent slope.
- e. Campsites designated for recreational vehicle use must be provided with a hook-up for potable water and electricity.
- f. Accessory uses within campgrounds may include a retail store for use by campground guests, and selling convenience foodstuffs, personal articles, minor camping supplies and souvenirs; an indoor laundry; free low-intensity recreational facilities such as table tennis and billiards and a television viewing and reading area.
- g. The entrance road to the campground must lead directly to the registration facility. All campsites must be located beyond the registration facility and have access to internal campground roads. Campground roads shall be built to the standards for roads within subdivisions created by rent or lease in the Gallatin County Subdivision Regulations.
- h. Special conditions, such as the provision of fencing or landscaping, or additional property line setbacks, may be required to safeguard the community interest and welfare.

29.6 Home Occupations. The following standards apply to home occupations:

- a. Standards for Lots Zoned R-SF-1 and Smaller: All home occupations in the R-SF-1, R-MF-3,500, R-SF-6,000, R-MF-6,500, R-SF-7,500 and R-SF-11,000 districts (all lots one acre and smaller) shall be subject to the following restrictions:
 1. All home occupations shall be conducted entirely within the dwelling or accessory building.

2. No home occupation shall occupy more than 20 percent of the gross floor area occupied by structures on the lot.
 3. Generation of more than an average of 10 additional daily trips by any home occupation is prohibited.
 4. There shall be no display or evidence apparent from the exterior of the dwelling unit or accessory building that a home occupation is being conducted.
 5. Employees shall be limited to residents of the dwelling unit and one additional employee.
 6. The storage of any materials and/or solid waste associated with a home occupation shall be within an enclosed structure or effectively screened from view from neighboring homes and public ways by its location on the property, a fence or wall, or a densely planted landscape buffer.
 7. There shall be no demand for parking beyond that which is normal to the neighborhood. In no case shall the home occupation cause more than two additional vehicles to be parked at any one time on or near the premises.
 8. Home occupations shall not create noise of a type, duration, or intensity which, measured at the property line, exceeds 60 dBA between the hours of 7 a.m. and 9 p.m. No noise shall be created by the home occupation between the hours of 9 p.m. and 7 a.m. that is detectable to normal sensory perception at the property line.
- b. Standards for Lots Zoned RC-SF-2.5 and Larger: All home occupations in the RC-SF-2.5, RC-SF-5, RC-SF-10, RC-SF-20, RC-SF-40, and RC-SF-100 districts (all lots two and one half acres and larger) shall be subject to the following restrictions:
1. All home occupations may be conducted within the dwelling or accessory building, or on the premises. Home occupations conducted on the premises (outside the dwelling or accessory buildings) are limited to equestrian uses (the keeping, breeding and boarding of horses), outfitting, cutting and storage of firewood and the boarding, breeding and raising of pets and require a conditional use permit.
 2. Home occupations conducted entirely within dwelling units and/or accessory buildings shall not occupy more than 20 percent of the gross floor area occupied by structures on the lot.

3. Generation of more than an average of 20 additional daily trips by any home occupation is prohibited.
4. No home occupation shall require structural alterations to the dwelling unit (interior or exterior) which changes its residential character.
5. Employees shall be limited to residents of the dwelling unit and two additional employees.
6. The storage of any materials and/or solid waste associated with a home occupation shall be within an enclosed structure or effectively screened from view from neighboring homes and public ways by its location on the property, a fence or wall, or a densely planted landscape buffer.
7. There shall be no demand for parking beyond that which is normal to the neighborhood. In no case shall the home occupation cause more than four additional vehicles to be parked at any one time on or near the premises.
8. No noise shall be created between the hours of 9 p.m. and 7 a.m. that is detectable to normal sensory perception at the property line.

29.7 Lighting: All outdoor lighting fixtures shall be designed and constructed in such a manner to ensure that:

- a. Direct or reflected light is confined to the area needing it and that it is not directed off the property;
- b. All light sources are shielded;
- c. Any light sources or light lenses are not directly visible from beyond the boundary of the site;
- d. Light from any illuminated source shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas.
- e. Lighting fixtures shall be a down-type having 100 percent cutoff. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by photometric test.
- f. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. The exception to this requirement is holiday lights with no commercial message.
- g. Beacon lights are not permitted.

- 29.8 Satellite Dish Antennas. Within the GC/BS Planning and Zoning District, ground-mounted satellite dish antennas up to 12 feet in diameter may be permitted subject to the following criteria:
- a. All installations must comply with all accessory use, yard, height, bulk and setback requirements specified within the district.
 - b. All installations shall be located to prevent obstruction of the antenna's reception window from potential allowable development on adjoining properties.
 - c. All installations shall employ, to the extent possible, materials and colors that blend with the surroundings.
 - d. All installations must include screening treatments located along the antenna's non-reception window axes and low-level ornamental landscape treatments along the reception window axes of the antenna's base. Such treatments should completely enclose the antenna and shall be installed within six months of antenna installation.
 - e. This section shall not apply to utility service operation facilities.
- 29.9 Temporary Occupancy. The intent of this section is to provide for temporary occupancy during the construction of a permanent dwelling, not to prohibit temporary visitors who may stay in a recreational vehicle (in accordance with item b).
- a. Temporary Occupancy While Constructing Permanent Dwelling. Temporary occupancy of mobile homes, recreational vehicles and accessory buildings may be allowed with a temporary occupancy permit issued upon application to the Zoning Enforcement Agent. Such occupancy shall be limited to a period not to exceed one year where all the following conditions are met:
 1. A land use permit for a permanent dwelling on the property has been issued.
 2. The temporary dwelling does not violate any valid existing deed restrictions.
 3. The temporary dwelling complies with all siting requirements outlined in the regulation.
 - b. Recreational Structures. Within the GC/BS Zoning District, which is a recreation-oriented area, nothing contained in these regulations shall prohibit the use of temporary recreational dwellings such as motor homes, travel trailers, tents, and the like in designated recreational vehicle parks and campgrounds.

Recreational dwellings located within designated GC/BS Zoning District entryway corridors (Section 32.2) are subject to the following conditions:

1. That only one such structure shall be placed on any existing lot at one time.
 2. That no such structure shall occupy any lot for a period longer than three consecutive weeks, except for storage purposes.
 3. That any such structure must utilize a method of sewage disposal acceptable to the County Health Department.
- c. Temporary Dwelling for Mineral Extraction. Temporary dwellings for mineral extraction purposes may also be permitted by the Zoning Enforcement Agent, provided the temporary dwelling is occupied solely for mineral extraction purposes.
- d. Health Department Approval. Temporary dwellings shall not be moved on site nor utilized for occupancy until sewage disposal and water supply systems are installed that meet all State and County Health Department regulations.
- e. Procedure. Requests for temporary occupancy permit extensions shall be considered by the Zoning Enforcement Agent within 30 days of receipt of a complete application.
- f. Extensions. The Zoning Enforcement Agent may approve an extension of special permits for up to one year, if all exterior work on the permanent dwelling has been completed. Only one extension may be granted.
- g. Appeals. Appeals may be made according to Section 38 provisions.

29.10 Utilities. All utilities shall meet the following standards.

- a. Utilities, other than lines used for the distribution of electricity in new service areas as defined in Section 69-4-102 MCA, shall be installed underground unless a variance is granted pursuant to Section 44 of this ordinance.
- b. Lines used for the distribution of electricity in a new service area shall be installed underground, provided however, the Zoning Commission may grant a variance to allow overhead lines for the distribution of electricity when the applicant shows that the installation of underground distribution lines would be technically or economically infeasible as defined in Section 69-4-102, MCA, and Rule 38.5.1002, ARM, of the Montana Public Service Commission.
 1. The procedures of sections 44.3 and 44.4 of this regulation shall apply to a variance request under this subsection.

2. The criteria of sections 44.2 and 44.5 of this regulation shall not apply to a variance request under this subsection.
- c. If the Planning and Zoning Commission determines that the applicant requesting a variance to install overhead distribution lines for electricity fails to make the requisite showing to support the variance, the applicant may request that the Public Service Commission review the matter and issue an order concerning the installation of overhead distribution lines for electricity. The order of the Public Service Commission shall be conclusive. Upon presentation of an order issued by the Public Service Commission confirming the installation of overhead distribution lines for electricity, the Planning and Zoning Commission will grant the variance.

29.11 Wildfire Protection Requirement. In order to provide for public safety, fire protection standards will be required for all subdivisions and conditional uses proposed after the adoption of this regulation. Every subdivision and conditional use permit located within the Wildland Residential Interface area within the Gallatin Canyon/Big Sky Planning and Zoning District shall include the following fire safety measures in their covenants:

- a. All structures located in the Wildland Residential Interface shall use only Class A or B fire-rated roofing materials. Wood shakes or shingles can achieve a Class B rating by using a foil-faced or equivalent substrate or underlayment of non-combustible material and when the shakes are periodically treated with fire retardant. Follow manufacturer's treatment guidelines and re-treat as specified.
- b. Spark arrestor screens shall be placed on fireplace and wood stove chimneys.
- c. Smoke detectors shall be installed on each level of dwelling units.
- d. The vegetation reduction and clearance guidelines of the *Fire Protection Guidelines for Wildland Residential Interface Development* shall be met.

29.12 Heliports. All heliports shall be subject to the following requirements:

- a. Plans for the heliport shall be submitted to the Federal Aviation Administration's Airport District Office in Helena. The FAA shall conduct an Air Space Review of the heliport. The FAA shall approve the heliport prior to construction and operation.
- b. The heliport touchdown and lift-off area shall be constructed of concrete, in accordance with Chapter 9, FAA Heliport Design Advisory Circular 150/5390-2A.

- c. The heliport touchdown and lift-off area shall be setback no less than 500 feet from residentially zoned areas, and 250 feet from non-residentially zoned areas.
- d. Plans for the heliport shall be submitted to the local fire district officials for review and approval prior to operation.

29.13 Airports: All airports are subject to review, regulation and certification by state and federal authorities. Local regulations concern land use and site design issues only.

(Amended: County Commission Resolution No. 1997-81)

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SECTION 30

SITE DEVELOPMENT STANDARDS FOR STRUCTURES IN THE RC-SF-1 THROUGH 100 DISTRICTS

- 30.1 Applicability: These requirements shall apply to all structures that require a land use permit in the RC-SF-1; RC-SF-2.5; RC-SF-5; RC-SF-10; RC-SF-20; RC-SF-40; and RC-SF-100 districts. The requirements in this section may be waived if:
- a. Designated building sites have been previously approved through the subdivision review, conditional use, re-zoning or other process.
 - b. Upon written findings by the Planning Staff, accessory structures other than the principal structure(s) which have previously received site plan approval are consistent with an approved plan.
- 30.2 The purpose of the site development standards for a land use permit is to locate all structures in locations that consider the goals and objectives of the Big Sky Plan. The intent of the site planning is to:
- a. Locate compatible structures adjacent to each other.
 - b. Buffer incompatible structures from each other.
 - c. Protect viewsheds, wildlife habitat, open spaces, stream, corridors, topographic features, native vegetation and other environmental and aesthetic considerations.
 - d. Locate structures in direct proximity to that portion of the circulation system best suited to serve it.
 - e. Locate structures in a manner to minimize changes in existing topography and vegetation.
 - f. Locate structures in a manner which reflects the comprehensive plan.
 - g. Locate structures which maximize public safety, and minimize utility and capital improvement costs.
 - h. Organize density to place the largest number of people in closest proximity to their destination.
 - i. Wherever possible, to promote the acquisition and preservation of open space and its management and maintenance.
- 30.3 Submittal Requirements: All site plan submittals shall include the following:
- a. A professionally prepared, to-scale drawing showing:
 1. Property lines and easements.
 2. Topographic information.
 3. Existing vegetation, wildlife habitat, watercourses, wetlands, soil types and floodplains, as determined by qualified professionals from the respective fields.
 4. Existing land uses.
 5. Adjacent land uses and improvements including but not limited to driveways, utility lines and easements.
 6. Location and dimensions of existing and proposed structures, utilities, trails and improvements.
 7. Land use designations.

8. General circulation system, including streets and multi-use pathways.
9. Number and types of dwelling units.
10. Number of off-street parking places.
11. General landscape plan.
12. Amount and location of open space.
13. Proposed treatment of perimeter boundary of the development.

30.4 Site Development Standards: Site plan submittals shall be reviewed and approved based on consistency with the following standards:

a. On -Site

1. All structures in the floodplain shall comply with County Floodplain Regulations.
2. Minimize changes to natural terrain.
3. Preserve healthy, mature tree stands.
4. Make open space accessible to the user.
5. Protect and enhance existing wildlife use.
6. If permitted by land owners, link site open space to area-wide system.
7. Locate utilities to reflect site aesthetics as well as utility function.
8. Separate residential uses from major noise producing source, buffer from adjacent land uses. A buffer is open space and/or materials that create a visual and/or physical separation between the uses. *Examples of buffers are:*
 - a. *open space*
 - b. *trees and shrubs*
 - c. *fences*
 - d. *earth berms*
9. Restrict development on the following sensitive lands:
 - a. *steep slopes*
 - b. *stream corridors*
 - c. *wetlands*
 - d. *areas of unique vegetation or fore station*
 - e. *viewshed areas*

b. Off-Site - A site plan shall also take into consideration, where applicable, the following off-site factors:

1. Land Use: master plan, area development trends, adjacent zoning.
2. Circulation: accessibility levels, roadway network capacity, adjacent road operations.
3. Utilities: sewer system capacity, over-sizing needs, off-site drainage, CIP relationship.
4. Community: community form, open space linkages.
5. Public facilities/services: public safety, parks and trails, schools, libraries and television, etc.

(Amended: County Commission Resolution No. 1997-81)

- 31.1 Intent. The intent of this section is to protect the scenic character of the District, since that character is important to both the personal and economic lives of the residents. The mountain landscape can be impaired by sprawl and by development that does not take the existing landscape character into account. The loss of this character means a loss of a portion of the daily life of each resident. It also reduces the reason many tourists vacation in the area.
- 31.2 General Standards. The following standards shall apply to all commercial developments (sections 19-23).
- a. Dumpster and/or garbage can storage areas and satellite receivers shall be shielded from view.
 - b. Buildings or clusters of buildings having more than one tenant or use shall provide a design plan for the entire structure or project. The design plan must establish an integrated design, and must require the use of similar construction methods for all buildings, and compatible colors, building materials, scale, and size. The design plan shall include and require continuity between accessory structures, fences, walls and landscape features within the project. The design plan shall show that the site has been proposed for cluster development.
 - c. Individual lots, building, roads and parking shall be designed to minimize alteration of the natural features.
 - d. There shall be an integrated design among individual uses that are located on the same lot or parcel or that are part of a building or cluster of buildings.
 - e. Design standards shall be selected to be harmonious with a rural, mountain setting.
 - f. The development shall contain at least 20 percent open space. The open space shall be designed to be usable for its intended purpose and permanently protected. On-going maintenance, management and use must be included.
 - g. The use of natural wood siding, logs, natural stone and brick is encouraged.
 - h. A minimum roof pitch of 1:4 is required. Roofs shall be designed to prevent snow buildup and allow snow shedding which will avoid injury to people or property. Building design shall include weather protection which prevents water from dripping or snow from sliding onto adjacent properties or where pedestrians gather and circulate.

- i. Muted and subdued colors should be chosen that harmonize with the natural environment. Bold colors, if chosen, should be used as accents. Highly reflective surfaces that create bright glares are prohibited.
- j. Strip commercial development shall be prohibited.
- k. Pedestrian access shall be provided between individual uses and existing paths and from parking areas to individual uses and existing paths.
- l. The site's significant natural features, such as hillsides, mature trees, wildlife habitat, stream beds, rock outcroppings, significant views and landscaping shall be preserved.
- m. Individual lots, buildings and units shall be arranged and situated to relate to surrounding properties, to improve the view from and the view of buildings and to lessen road area.

31.3 Review Process for Commercial Development. The review of commercial developments shall be administered by the Planning Staff. Upon submittal of a complete application for a commercial development, the Planning Staff shall review the application for compliance with the requirements of this section and other applicable sections of this regulation. Reviews shall be completed within 45 days of receipt of a complete submittal. Appeals of staff decisions shall be considered in accordance with the procedures outlined in the Administration Section of this regulation.

31.4 Submittal Requirements. All commercial development applications shall include the following:

- a. Completed and signed application form.
- b. All applicable fees.
- c. A traffic study, if the proposed development will generate 500 or more vehicular trips per day.
- d. A site plan showing:
 - 1. Property lines and easements, with dimensions and area.
 - 2. Topographic information.
 - 3. Existing vegetation, wildlife habitat, watercourses, wetlands, soil types and floodplains.
 - 4. Existing land uses.
 - 5. Location and dimensions of existing and proposed structures, utilities, trails and improvements.
 - 6. Land use designations.
 - 7. General circulation system, including roads and multi-use pathways.
 - 8. Number, type and size of buildings.
 - 9. Number of off-street parking places.
 - 10. General landscape plan.
 - 11. Amount and location of open space.

12. Amount, location, purpose and use of common space.
13. Proposed treatment of perimeter boundary of the development.

31.5 The following additional standards shall apply to the Meadow Center District (Section 21):

- a. The Meadow Center district shall be pedestrian oriented and provide a mix of retail, business, residential and community uses.
- b. The design of the Meadow Center shall:
 1. Provide for the safe and comfortable movement of pedestrians;
 2. Emphasize places of congregation, crossroads and nodal points by the use of building location, outdoor furniture, public art and vegetation;
 3. Include highly defined corridors framed by buildings and vegetation;
 4. Establish the traditional storefront/sidewalk relationship, with buildings built right up to sidewalks to facilitate the opportunities for browsing, social interaction and people watching. Buildings shall be accessed primarily from sidewalks.
 5. Create strong visual points and counterpoints through the dense arrangement of buildings and vegetation.
 6. Provide adequate access for service delivery and emergency vehicles.

31.6 Review of Design Plan. For any lot on which the applicant proposes to erect one or more buildings, the applicant shall submit the information designated in Section 31.5 in accordance with the following:

- a. If the property to be developed is subject to rezoning or conditional use permit, submit the required information as set forth in Section 31.5 as part of the zoning or conditional use permit application; or
- b. If the property to be developed is not subject to rezoning or conditional use permit requirements, submit the required information to the Zoning Enforcement Agent.

31.7 Required Information.

- a. Site plan at a scale of 1":20' or greater indicating the location of all existing and proposed structures, site access, parking, pedestrian and vehicular circulation and site improvements.
- b. Location of existing structures on adjacent property.
- c. Landscape plan drawn at the same scale as the site plan indicating all new landscape material to be added, revegetation plans for all disturbed areas of the site, areas to be irrigated, all trees to be removed during construction and other site improvements such as patios, public spaces, walkways, fences, etc.

- d. Cross section(s) of the property and proposed building(s) adequately establishing the natural grade, finished grade, slope of land, slope of proposed access and grades to roads.
 - e. All exterior elevations.
 - f. Type and color of exterior materials and roofing.
 - g. Design guidelines and renderings showing design themes, construction methods, colors, building materials, scale and size.
 - h. Indication of direction of snow slide from roof.
 - i. Drip line of all buildings.
 - j. Location and type of exterior lighting.
 - k. Location of dumpster and/or garbage can storage areas and satellite receivers, including dimensions and screening materials.
- 31.8 Consent. The design plan shall be signed by all owners or their authorized agents in such form as the Zoning Enforcement Agent shall require.
- 31.9 Procedures. The design plan shall be included in any development plan, site plan, planned unit development plan, variance application, conditional use permit application, land use permit application, or any other official plan required by this regulation for the proposed development and shall be processed simultaneously with such other plan.
- 31.10 Amendment. An approved design plan may be amended by either the Planning and Zoning Commission or Zoning Enforcement Agent, whichever had granted the original approval. Approval shall be provided only if the amendment conforms with all requirements of the regulation in effect at the time the application for amendment is verified as complete by the Zoning Enforcement Agent.
- 31.11 Binding Effect. After approval of a design plan, no building shall be erected, altered, moved, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this regulation. In case of any conflict between the provisions of a design plan and any other provision of this regulation, the regulation shall control.

(Amended: County Commission Resolution No. 1997-81)

SECTION 31.B GUIDELINES AND DESIGN STANDARDS FOR TOWN CENTER COMMERCIAL DISTRICT

- 31.B.1 Intent: The intent of this section is to establish minimum guidelines and standards to ensure high quality design, overall coherence, and a character appropriate to the commercial buildings and other structures in the Town Center Commercial District.
- 31.B.2 Relationship to Section 31., Guidelines and Design Standards for Commercial Development. This Section, Section 31.B, supercedes and replaces Section 31 in its entirety as concerns the Town Center Commercial District.
- 31.B.3 Building Types: Specific standards shall govern the design of the following Building Types; the location of Building Types within the Town Center Commercial District shall be shown on the Development Plan per Section 31.B.7.e.1.
- a. Commercial – General Retail
 - b. Commercial – Specialty
 - c. Commercial – Recreation
 - d. Public/Quasi-Public
 - e. Lodging
- 31.B.4 Building Height: Except for Commercial – General Retail and Commercial – Specialty, building height shall be measured per Section 6.12 of Definitions. For Commercial – General Retail and Commercial – Specialty, building height shall be measured as follows: The vertical distance from the average elevation of the proposed finish grade at the front of a building to the highest point of the parapet wall of the primary street façade. The top of the parapet wall on the street facades of Commercial – General Retail and Commercial – Specialty buildings shall not be less than the maximum height of the roof.
- 31.B.5 General Standards: The following standards shall apply to all Commercial-Retail development in the Town Center Commercial District:
- a. Building character, form, and scale should be appropriate to the mountain west setting embodied in the greater Big Sky area.
 - b. All pedestrian entries shall provide weather protection (roof, canopy, arcade, etc), and shall be clearly delineated, readily visible and easily accessible.
 - c. Buildings of greater than one story shall provide elevator access to the upper floor(s).

- d. Adequate access for service delivery and emergency vehicles shall be provided.
- e. Dumpster and/or garbage can storage areas shall be enclosed and shielded from view.
- f. Roof-mounted mechanical and/or electrical equipment shall be shielded from view.
- g. Satellite receivers shall be screened from view per Section 29.8.d.

31.B.6 General Standards: Specific Building Types: The following standards shall apply to the development of specific Building Types in the Town Center Commercial District:

a. Commercial–General Retail

- Building facades shall contain the basic architectural features and unique character of traditional “Main street” commercial storefront buildings.
- Building facades shall form a continuous frontage along block faces and establish a traditional storefront/sidewalk relationship.
- Buildings extending along block-fronts shall provide a single entry at the parking lot elevation. This entry shall be clearly delineated, readily visible and easily accessible and open into a pedestrian arcade linking the parking lot behind to the street in front.

b. Commercial–Specialty:

- Building facades should contain defining architectural features or elements that serve to identify the type of specialty commercial use, such as a theater marquee, a sidewalk grocery display, etc. and appropriate to the setting of the Big Sky area.
- Building facades shall form a continuous frontage along block faces and establish a traditional storefront/sidewalk relationship.
- Building facades should provide sufficient wall and roof articulation to avoid the domination of large, blank exterior walls and/or large dominating roofs.
- Buildings may be one story in height due to the larger floor area and ceiling height requirements, but second floor uses are encouraged wherever possible.

c. Commercial-Recreation:

- Building facades shall contain the basic architectural features and unique character that reflect or suggest the particular type of recreation use and appropriate to the setting of the Big Sky area.

- Building facades should provide sufficient wall and roof articulation to avoid the domination of large, blank exterior walls and/or large dominating roofs.
- Buildings should generally be one story in height due to the larger floor area and ceiling height requirements of specific court games such as tennis, basketball, handball, etc.

d. Public/Quasi-Public:

- Building facades and roofs should contain the basic architectural features and other architectural elements that serve to define the unique character of historic civic architecture.
- Buildings should generally be a combination of one and two stories in height and should incorporate an appropriate “symbol” that identifies the building or building complex as the center of civic life.

e. Lodging:

- Building facades and roofs should contain the basic architectural scale, features and elements that define the building or building complex as visitor-serving lodging appropriate to the setting of the Big Sky area.
- Building facades should provide sufficient articulation to avoid the domination of large exterior walls.
- Entries should include covered areas for vehicular drop-off and pick-up of pedestrians.
- Attention should be given to guest use of exterior spaces, such as courtyards, forecourts, landscaped areas and water features such as casting ponds.

31.B.7 Submittal Requirements. All applications for Town Center Commercial developments shall include the following:

- a. Completed and signed application form.
- b. All applicable fees.
- c. A traffic study, if the proposed development will generate 500 or more vehicle trips per day.
- d. A Site Plan showing:
 1. Property lines and easements, with dimensions and area.
 2. Topographic information.
 3. Existing vegetation, wildlife habitat, watercourses, wetlands, soil types and floodplains.
 4. Existing land uses.

5. Location and dimensions of existing and proposed structures, utilities, trails and improvements.
 6. Land use designations.
 7. Amount and location of open space.
 8. Amount, location, purpose and use of common space.
 9. Proposed treatment of perimeter boundary of the development.
- e. A Design Plan establishing the form, structure, and character of the proposed commercial development. The Design Plan shall provide for safe and comfortable movement of pedestrians, efficiency in on- and off-street parking, and definition and quality of public space (including both sidewalk areas and other public space). The following information shall be contained in the Design Plan:
1. Development Plan view at a minimum scale of 1"=20' indicating the location, Building Type, and size of all existing and proposed structures on the site, access, parking (both on-street and off-street), general pedestrian and vehicular circulation system, including roads and multi-use pathways, and other improvements.
 2. Location and type of existing structures on adjacent property.
 3. Landscape Plan at the same scale as the Development Plan indicating all new landscape material, re-vegetation of disturbed areas, areas subject to irrigation, trees to be removed during construction, and other site improvements, including street furniture (lighting, benches, fountains, trash receptacles, etc.) and treatment of public spaces.
 4. Illustrative drawings showing typical grade conditions (both natural grade and finished grade) and relationships of grades to buildings, streets, parking lots and pedestrian circulation.
 5. Illustrative drawings showing prototypical architectural sections and elevations for the purpose of establishing the general form and character of each Building Type.
 6. A general statement describing the selection of appropriate building materials, including a list of proposed building materials.
 7. A general statement describing the selection of appropriate building colors.
 8. A generalized roof plan (superimposed on the Design Plan base) showing the direction of snow slide from roofs, drip lines and gutters/downspouts and surface water run-off and collection.
 9. A general statement describing exterior lighting and fixture selections, and the general locations of such fixtures.

10. Illustrative drawings showing generalized locations and prototypical design of storage enclosures for dumpsters and trash storage.

f. Draft Architectural Guidelines and Design Standards prepared and implemented by the applicant.

31.B.8 Review Process: Review of Town Center Commercial developments shall be administered by the Planning Staff. Upon submittal of a complete Application for a commercial development with accompanying Design Plan, the Planning Staff shall review the Application and Design Plan for compliance with the requirements of this section and other applicable sections of the Zoning Regulation. Reviews shall be completed within 45 days of receipt of a complete submittal.

31.B.9 Consent: The Design Plan shall be signed by all owners or their authorized agents.

31.B.10 Procedures. The Design Plan shall be included in any Application for a planned unit development, variance, conditional use permit, land use permit, or any other application required by the Zoning Regulation for the proposed development. The Design Plan shall be processed simultaneously with the submitted Application.

The Planning Staff shall render a final decision on the Design Plan and make recommendations to the Planning and Zoning Commission for approval or denial of the Application, both of which shall be included in Staff's report to the Planning and Zoning Commission. Unless appealed, Staff's decision on the Design Plan is binding upon, and not subject to further review by, the Planning and Zoning Commission. No interlocutory appeal of Staff's decision is permitted pending the issuance of Staff's report containing recommendations on the Application.

If Staff's decision on the Design Plan is appealed, the appeal, together with Staff's recommendations on the Application, shall be heard at the same time and the Planning and Zoning Commission shall make a final decision on both the Design Plan and the Application. Otherwise, a hearing shall be conducted on, and the Planning and Zoning Commission shall make a final decision regarding, the Application and include therein the Staff's decision on the Design Plan. Appeals of the final decision of the Planning and Zoning Commission may be taken to the district court within thirty (30) days after such decision as provided by M.C.A. Section 76-2-110.

- 31.B.11 Amendment: The applicant may amend an approved Design Plan subject to approval of the amendment by either the Planning and Zoning Commission or Zoning Enforcement Agent, whichever had granted the original approval. Approval shall be provided only if the amendment conforms with all requirements of the regulation in effect at the time the application for amendment is verified as complete by the Zoning Enforcement Agent.
- 31.B.12 Binding Effect: After approval of a Design Plan, no building shall be erected, altered, moved, reconstructed, or painted, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this regulation. In case of any conflict between provisions of a Design Plan and any other provision of this regulation, the regulation shall control.

(Amended: County Commission Resolution No. 2000-18 on April 11, 2000.)

SECTION 32 ENTRY CORRIDOR AND VIEW PROTECTION

- 32.1 Intent. The intent of this overlay district is to enhance the visual quality and identity of the GC/BS Planning and Zoning District by providing guidelines for development along designated entry corridors and protecting key views from encroachment by development.
- 32.2 Applicability of Entry Corridor Guidelines. The provisions of this section shall apply to requests for land use permits on the following parcels of land:
- a. Any parcel of land located adjacent to or within 200 feet of Montana 64 (Lone Mountain Spur Road) between the intersection of US 191 and the Gallatin County/Madison County line.
 - b. Any parcel of land located adjacent to or within 200 feet of US Highway 191 between the south boundary line of the Zoning District and a point 2,000 feet north of the intersection of US 191 and Montana 64 (Lone Mountain Spur Road).
 - c. Exceptions. For property with frontage on both US 191 and Montana 64, the setback standards on Montana 64 shall be reduced by 75 percent.
 - d. No entry corridor setbacks shall be applied which are larger than 50 percent of the parcel depth or width, of a residentially zoned parcel existing as of July 30, 1996. The Zoning Enforcement Agent shall review a land use permit application for such a property and may issue the permit when he or she finds that the maximum feasible entry corridor view mitigation has been provided by appropriate landscaping; and the resultant land use permit is consistent with the GC/BS Plan.

(Amended: County Commissioners Resolution No. 1996-61)

- 32.3 Review Process for Land Use Permits Along Entry Corridors. The following material shall be submitted in conjunction with a land use permit application on land located in an entry corridor:
- a. Survey of the subject parcel prepared by a registered land surveyor. The survey shall indicate property boundaries and the right-of-way line of adjacent entry corridor roadways.
 - b. Site plan at a scale of 1":20' or greater indicating the locations of all proposed structures, site access, parking, pedestrian and vehicular circulation and site improvements.
 - c. Landscape plan drawn at the same scale as the site plan indicating all new landscape material to be added, revegetation plans for all disturbed areas of the site, areas to be irrigated, all trees to be removed during construction and other site improvements such as patios, public spaces, walkways, fences, etc.

- d. Proposed project lighting plan indicating all exterior lighting.

32.4 Setback Standards for Land Use Permits Along Entry Corridors. All buildings proposed by a land use permit application shall comply with the following setback standards:

- a. All buildings shall maintain a minimum 100-foot setback from designated entry corridor roadways. The intent of the entry corridor setback requirement is to establish a uniform 100-foot-wide landscaped buffer between buildings and the entry corridor roadway. Right-of-way widths vary along designated entry corridors. In order to establish uniform setback distances, setback requirements for individual properties will vary depending upon the width of adjacent rights-of-way. Entry corridor setbacks for properties adjacent to the following four rights-of-way widths are as follows:
 - 1. The minimum setback for buildings adjacent to 60-foot-wide rights-of-ways shall be 100 feet.
 - 2. The minimum setback for buildings adjacent to 80-foot-wide rights-of-ways shall be 90 feet.
 - 3. The minimum setback for buildings adjacent to 120-foot-wide rights-of-ways shall be 70 feet.
 - 4. The minimum setback for buildings adjacent to 160-foot-wide rights-of-ways shall be 50 feet.
- b. Calculation of Other Setbacks: The following methodology shall be used to determine setback requirements for right-of-way widths other than those indicated above:

The potential road width of 60 feet (four travel lanes at 12 feet and two six-foot shoulders) shall be used for all calculations. The portion of the right-of-way to be considered as a part of the entry corridor setback area is determined by subtracting half of the potential road width (30 feet) from half of the right-of-way width. The resultant figure is then subtracted from 100 to determine the entry corridor setback requirement.
- c. Exception. For property with frontage on both U.S. 191 and Montana 64, the setback standards on Montana 64 shall be reduced by 75 percent.

32.5 Design Standards for Land Use Permits Along Entry Corridors. The following design standards shall be used by the Planning Staff to evaluate land use permit applications. It shall be the burden of the applicant to demonstrate that proposed development complies with the following standards, that one or more of the standards are not applicable, or that a practical solution consistent with the purpose of this section has been achieved. The Planning Staff shall act on land use permit applications by either approving, approving with conditions or denying the application based compliance with the following standards:

- a. Proposed landscape plans shall be designed to buffer the visual impact of building and site improvements from the designated entry corridor and adjacent properties. Landscape plans may include a combination of enhancements to existing native vegetation, the development of formal landscape areas, new plant materials, and berming, but in all cases shall include the introduction of trees, shrubs and ground covers designed to highlight proposed entries, screen parking areas, buffer the visual impact of buildings and enhance the landscape quality of the entry corridor. In order to minimize irrigation requirements, the use of native ground covers and drought tolerant plant materials indigenous to the Zoning District are encouraged.
- b. The following minimum landscape materials shall be required within the entry corridor setback area for any commercial development or multi-family residential development: eight coniferous or evergreen trees, four deciduous trees and eight shrubs for every 100 lineal feet of frontage along the entry corridor. Landscape standards for parcels with less than 100 feet of frontage or any portion of a parcel's entry corridor frontage that is less than 100 feet shall be pro-rated based on the standards above. Minimum plant sizes shall be a minimum of six feet for coniferous or evergreen trees, two inch caliper for deciduous trees and five gallon for shrubs. In the event that berming, setback distance in excess of 100 feet, or other design alternatives are proposed to enhance the visual quality of the entry corridor setback area, the Planning Staff may approve land use permits with fewer landscape materials than required by the standards above.
- c. In order to minimize the visibility of parking areas from entry corridors, parking areas should be located to the rear or sides of buildings. Parking areas may be located in the front of buildings and may encroach into the required entry corridor setback area. However, parking area encroachments shall not exceed 50 percent of the required setback distance. When parking areas are proposed within the entry corridor setback area, minimum required landscape materials described above shall increase by 10 percent for every 10 feet of encroachment into the setback area and the use of berming to screen parking areas from the entry corridor shall be required.

- d. Any surface parking lot in excess of 15 spaces shall include interior landscape islands equal to 10 percent of the parking lot area. A landscape border not less than 15 feet wide shall be provided around the perimeter of all parking areas. All parking lot landscape areas shall be landscaped with a combination of trees, shrubs and ground covers.
- e. In order to minimize vehicular traffic congestion, the development of shared vehicular access ways between commercial development projects are encouraged.
- f. Trash facilities, loading docks and exterior storage areas shall not encroach into the required entry corridor setback area and shall be screened from view from the designated entry corridor.

32.6 Variances to Design Standards for Land Use Permits Along Entry Corridors. Variances to sections 32.4 and 32.5 shall be considered by the Planning and Zoning Commission in accordance with the procedures outlined in the variance section of the GC/BS Zoning Regulation. Prior to approving a variance request, the Planning and Zoning Commission shall make one or more of the following findings:

- a. Compliance with one or more of the design standards would deprive an owner of the reasonable use of his/her property.
- b. There are no practical alternatives to locating buildings within the required setback area.
- c. The proposed variance will result in greater compliance with the overall intent of Section 32 by preserving the visual quality and character of the entry corridor in a manner that would not otherwise be possible by the strict adherence to sections 32.4 and 32.5.

32.7 Applicability of View Corridor Guidelines. The provisions of this section shall apply to any application for a land use permit located on land within designated view corridors. Designated view corridors include:

- a. The Soldier's Chapel View Corridor. The purpose of the Soldier's Chapel View Corridor is to maintain a view of Soldier's Chapel with an unobstructed background view of Lone Mountain as viewed from the driveway leading up to the chapel. It is recognized that development may occur on land behind the chapel and between the chapel and Lone Mountain. The Soldier's Chapel View Corridor is intended to ensure that new development located proximate to the chapel does not project above the roof line of the chapel in a manner that diminishes the view of the chapel and the long-range view of Lone Mountain.

Designated view corridors are indicated on photographs and are on record with the Gallatin County Planning Department.

32.8 Standards for Land Use Permit Applications Within View Corridors. The following material shall be submitted in conjunction with a land use permit application on land located within a designated view corridor:

- a. Site plan at a scale of 1":20' or greater indicating the location of all proposed structures, site access, grading and other site improvements.
- b. Building elevations indicating the heights of proposed roof ridges.
- c. Models, photo overlays, sketches or other material deemed necessary by the staff to determine whether proposed development will encroach into the designated view corridor.

32.9 Design Standards for Land Use Permits Within View Corridors. All development and site modifications proposed by the land use permit application shall comply with the following design standards:

- a. Soldier's Chapel View Corridor. No part of any structure located within 1,000 horizontal feet of Soldier's Chapel shall encroach above the Soldier's Chapel View Corridor line as indicated on the official view corridor photograph on record with the Gallatin County Planning Department.

32.10 Variances to Design Standards for Land Use Permits Within View Corridors. Variances to Section 32.9, Design Standards for Land Use Permits Within View Corridors shall be considered by the Planning and Zoning Commission in accordance with the procedures outlined in the Variance Section of the Gallatin Canyon/Big Sky Zoning Regulation.

- a. Submittal material for proposed encroachments into a designated view corridor shall include the following:
 1. Written summary of the proposed encroachment.
 2. Overlays of the proposed development drawn on the photograph of the existing view corridor indicating the extent of the proposed encroachment.
- b. No building encroachment into a designated view corridor shall be permitted unless the applicant demonstrates that the encroachment meets all of the following criteria:
 1. The literal enforcement of Section 32.9 Design Standards for Land Use Permits Within View Corridors would preclude the reasonable development of the affected land.

2. The proposed encroachment is no more than necessary to allow for the reasonable development of the affected land.
3. The proposed encroachment would not diminish the value nor compromise the original purpose of the preserved view.

32.11 Criteria for Establishing View Corridors. Proposals to establish new view corridors may be initiated by the Gallatin County Board of County Commissioners, the Planning and Zoning Commission, the Gallatin County Planning Staff or any resident of the GC/BS Zoning District. Such applications shall be considered by the Planning and Zoning Commission in accordance with the procedures outlined in the GC/BS Regulation for amending this regulation.

- a. Submittal material required for the review of proposed new view corridors shall include the following:
 1. A written summary of the proposed view corridor and a photograph of the proposed view corridor and a reference point from which the photograph was taken.
 2. The names and addresses of property owners whose development potential may be affected by the proposed view corridor.
- b. No new view corridor shall be established until it is demonstrated by clear and convincing evidence that the proposed view corridor meets all of the following criteria:
 1. The proposed view corridor will preserve a view from a public pedestrian area, public way, or public space within the Zoning District which perpetuates the mountain heritage and character of the GC/BS area.
 2. The proposed view corridor protects or enhances the GC/BS area's attraction to residents, guests and property owners.
 3. The proposed view corridor protects a view which is commonly recognized and has inherent qualities which make it valuable and distinguish it from other more common views.

SECTION 33

HILLSIDE AND RIDGELINE DEVELOPMENT

- 33.1 Intent. The intent of this overlay district is to preserve the natural character, visual quality and aesthetic value of ridgelines and hillsides and to protect the residents and guests of GC/BS from the potential hazards of unregulated development on hillsides.
- 33.2 Applicability of Hillside and Ridgeline Guidelines. The provisions of this section shall apply to any application for a land use permit or subdivision on land that meets either of the following two conditions: (1) Any portion of the land includes slopes in excess of 15 percent; (2) Land that is located on or within 100 vertical feet of the elevation of any prominent ridgeline. Lands that meet either of these two provisions are herein referred to as hillside land or ridgeline land, respectively.
- 33.3 Prominent Ridgeline Defined. A prominent ridgeline shall be defined as any ridgeline, as viewed from any point along a designated major roadway corridor, which creates a silhouette with the sky. Currently designated major roadway corridors are U.S. Highway 191, Montana Highway 64 (Lone Mountain Trail) and Beaver Creek Road. Since significant portions of the GC/BS Zoning District are presently undeveloped, it is not possible to designate all major roadway corridors at this time. Other potential major roadway corridors from which to identify prominent ridgelines, whether existing or proposed at the time a subdivision or land use permit application is submitted, may be designated by the planning staff during the development review process. These new major roadway corridors shall then establish view points from which to identify prominent ridgelines.
- 33.4 Determination of Prominent Ridgeline. The determination of prominent ridgelines and any major roadway corridor in addition to currently designated major roadways shall be made by the Planning Staff. The presence of a prominent ridgeline or the designation of additional major roadways may influence the planning and design of a development proposal. For this reason, applicants are strongly encouraged to request such determinations prior to submitting subdivision pre-application plans or land use permit applications.
- a. A request for a staff determination of prominent ridgelines or additional major roadway corridors shall be made by the applicant and shall be accompanied by a survey, U.S.G.S. Topographic Map or other graphic information as necessary to indicate the general location of the proposed development. The Planning Staff shall make their determination based on material submitted by the applicant and a site visit to the proposed development site. In the event that prominent ridgelines or additional major roadway corridors are identified by the staff, such ridgelines or roadway corridors shall be indicated on the graphic material submitted by the applicant. Appeals of any staff decisions may be made in accordance with procedures outlined in the GC/BS Zoning Regulation.

- 33.5 Slope Defined. Slope shall mean the inclination of land determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage. The presence of slopes in excess of 15 percent shall be determined based on a slope analysis of the subject parcel completed by the applicant. The presence of slopes in excess of 15 percent may influence the planning and design of a development proposal. For this reason, applicants are strongly encouraged to complete a slope analysis of the subject parcel prior to submitting subdivision sketch plan applications or land use permit applications.
- 33.6 Setbacks on Hillside Property: The required setbacks for existing parcels as of July 30, 1996 within any given district may be waived if it is determined by the Zoning Enforcement Agent that no suitable building site is available due to the presence of slopes in excess of 15 percent. Any request for waive of a required setback must be accompanied by proof of slopes in excess of 15 percent and justification provided by the applicant that all reasonable efforts have been made to design a structure which complies with setback requirements.
(Amended: County Commission Resolution No. 1997-81)
- 33.7 Application for Land Use Permits on Hillside and Ridgeline Land. The following review process, design standards, review criteria and variance provisions shall apply for all land use permit applications for hillside or ridgeline land.
- a. Review Process for Land Use Permits on Hillside and Ridgeline Land. The review of land use permit applications will be administered by the Gallatin County Planning Staff in accordance with the Land Use Permits section of the GC/BS Zoning Regulation. Upon submittal of a land use permit application on hillside or ridgeline land, the Planning Staff shall review the application for compliance with design standards and review criteria outlined in this section. Appeals of staff decisions shall be considered in accordance with the procedures outlined in the Administration section of the GC/BS Zoning Regulation.
 - b. The following material shall be submitted in conjunction with a land use permit application on a hillside or ridgeline land:
 1. Topographic survey of the subject lot prepared by a registered land surveyor. The topographic survey shall be drawn at a scale of 1":20' or greater and the contours shall be indicated at two-foot intervals. The survey shall also indicate easements, existing drainages, mature stands of trees with eight inch or greater caliper and approved building envelope (if applicable).
 2. Slope analysis indicating the percent slope of the portion of the lot on which all development and site improvements are located.

3. Soils analysis indicating the physical properties of soil types and any limitation ratings, and any special design or construction methods proposed to mitigate soil suitability conditions.
 4. Site plan at a scale of 1":20' or greater indicating the location of all proposed structures, site access, retaining walls and other site improvements.
 5. Building elevations indicating exterior wall materials and colors, roof material and color, heights of roof ridges, and existing grades, and proposed finished grades around all structures.
 6. Construction/site disturbance plan indicating proposed limits of construction, methods for protecting existing vegetation and locations for storage of construction material and equipment, trailers, dumpsters and sanitary facilities.
 7. Landscape plan drawn at the same scale as the site plan indicating all new landscape material to be added, revegetation plans for all disturbed areas of the site, areas to be irrigated, all trees to be removed during construction and other site improvements such as patios, walkways, fences, etc.
 8. Grading and drainage plan drawn at the same scale as the site plan indicating all proposed regrading, cross-sections of all proposed cuts and fills, heights of all proposed retaining walls, and proposed site drainage.
 9. Erosion control plan indicating all proposed measures to control surface water run-off, retain eroded soil material during construction and permanently stabilize disturbed slopes and drainage features upon completion of construction.
 10. Photo overlays or other visual tools to demonstrate the visual impact of the proposed development.
- c. The extent of the areas indicated on the topographic survey, slope analysis, landscape plan, grading and drainage plan, erosion control plan and construction plan may be limited to only those portions of the site where development and site improvements are proposed. At a minimum, such plans shall include portions of the site within 100 feet of all proposed development and site improvements and any other portion of the site as may be necessary to evaluate the land use permit.
- d. If warranted by the nature of the proposed development, the presence of unique site characteristics or other considerations, the Planning Staff may modify or waive any of the submittal requirements listed above.

33.8 Design Standards for Land Use on Hillside Land. All development and site modifications proposed on the land use permit application on hillside land shall comply with each of the following design standards:

- a. No buildings shall be located on portions of a lot in excess of 25 percent slope.
- b. Building height shall not exceed 33 feet on buildings with a sloping roof and 30 feet for buildings with a flat roof, as measured vertically from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between the eaves and ridge for gable, hip and gambrel roofs. *(Amended: County Commission Resolution No. 1996-62.)*
- c. All buildings shall be located within an approved building envelope (if applicable).

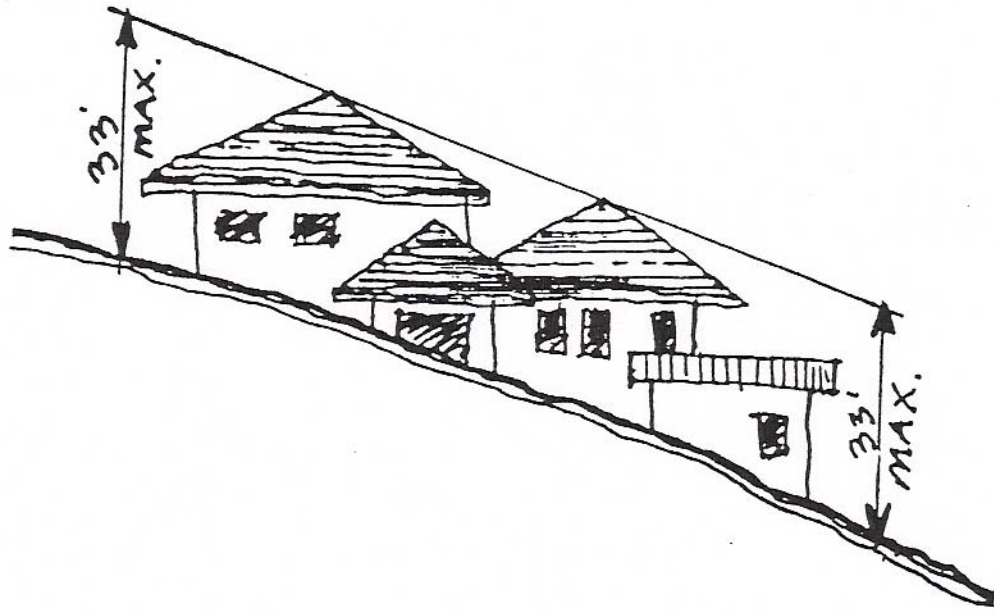


Fig. 1- Building height regulations encourage buildings to follow the natural slope of a lot.

33.9 Review Criteria for Land Use Permits on Hillside Land. The following design criteria shall be used by the Planning Staff to evaluate land use permit applications on hillside land. It shall be the burden of the applicant to demonstrate that proposed development complies with the following criteria, that one or more of the criteria are not applicable, or that a practical solution consistent with the purpose of this section has been achieved. The Planning Staff shall act on applications by either approving, approving with conditions or denying the application based on compliance with the following criteria:

- a. Buildings, site improvements and driveways shall be sited and designed to minimize the loss of vegetation and the need for site grading, cuts and fills, and retaining walls.
- b. Buildings shall be designed to bench into hillsides and building level changes shall be accomplished by stepping the building with the natural contours of the site.
- c. Existing vegetation and natural topography of a site shall be incorporated into the design and siting of buildings, site improvements and driveways in order to minimize their visibility from roadways within the District and to integrate improvements with the natural characteristics of the site.

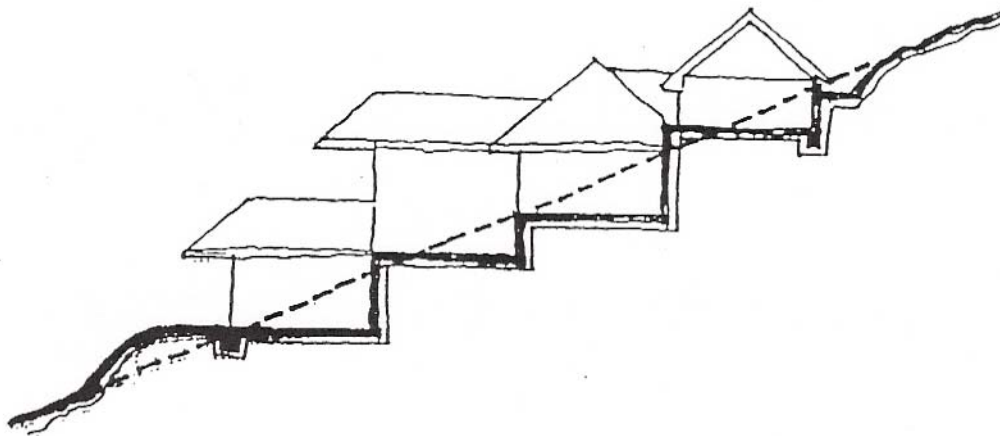


Fig. 2 - Building should be “benched” into the hillside.

- d. Site grading shall be designed to blend with the natural contours of the site by feathering all cuts and fills into existing natural grades. Overlot grading of a site to create a flat building site is not permitted.

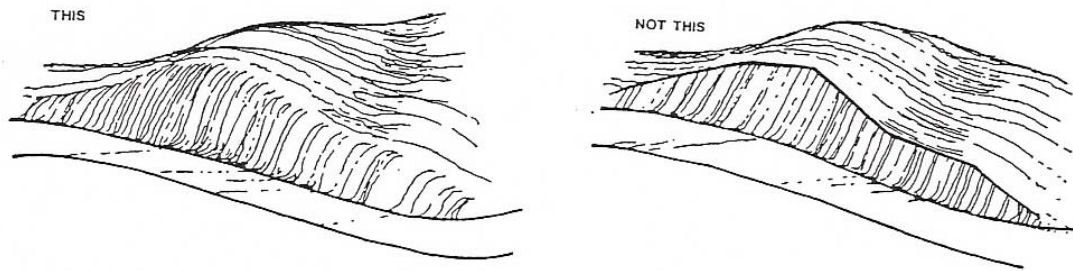


Fig. 3- Grading should feather back to existing grades.

- e. If warranted by site conditions, the use of retaining walls is encouraged in order to minimize grading, preserve existing plant materials and reduce overall site disturbance. Retaining walls visible from roadways or adjacent properties shall not exceed six feet in height. Retaining cuts in excess of six feet shall be accomplished by two or more retaining walls. In such cases, retaining walls shall be separated by a minimum of two feet in order to allow for the introduction of landscape materials.
- f. Driveways shall follow existing contours to the extent possible and be designed to minimize the loss of vegetation and the need for grading and cuts and fills. Appropriate driveway standards may vary depending on site specific considerations. Generally, driveways should not exceed 10 percent slope and 14 feet in width. In order to facilitate revegetation, cut and fill slopes should be regraded to no more than a 2:1 slope. Regraded slopes in excess of 2:1 slope may be approved if steeper slopes will minimize site disturbance and preserve existing vegetation. Soils and slope stability analyses shall be required for all driveways located on slopes in excess of 25 percent and such driveways shall be designed by a licensed engineer.

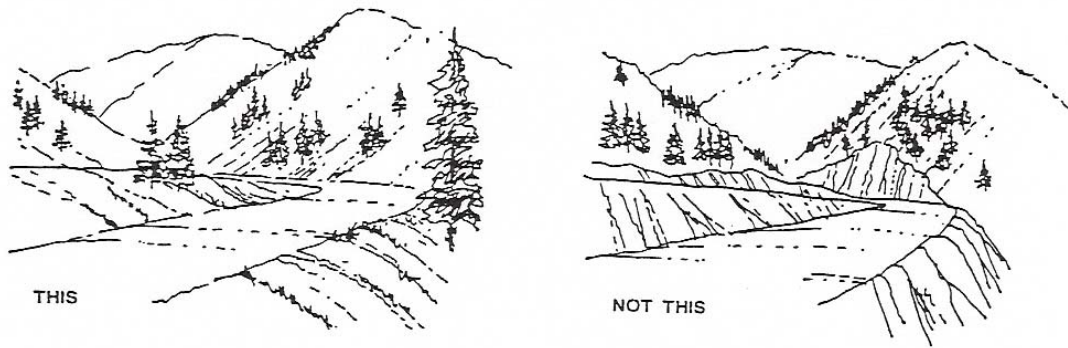


Fig. 4 - *Driveway design should minimize the need for cuts and fills.*

- g. The color of exterior walls, roofs and retaining walls shall be limited to muted earthtones. Such colors should be selected to blend buildings and improvements with the terrain and vegetation of the surrounding landscape. All roofs shall be constructed of non-reflective materials.
- h. Exterior lighting shall include horizontal cutoffs and be designed and located in a manner that minimizes the impact of direct light sources on adjacent properties, rights-of-way and roadways. Lighting shall be limited to low-level down lighting necessary to illuminate driveways, walks and entryways for safety and security purposes. Uplighting of trees or structures is not permitted.
- i. The revegetation and erosion control plans shall provide appropriate measures for short-term soil stabilization and control of site drainage and the long-term restoration of disturbed areas of the site.
- j. Structures and site improvements shall be designed in accordance with soils and slope suitability analyses (if applicable).
- k. The construction/site disturbance plan shall limit site disturbance to an area of the site no larger than necessary to develop the site in accordance with approved plans and shall include on-site measures necessary to limit disturbance of the site and protect existing vegetation.

33.10 Design Standards for Land Use Permits on Ridgeline Land. All development and site modifications proposed by the land use permit application on ridgeline land shall comply with each of the following design standards:

- a. No part of any structure or site improvement shall break the silhouette created by the prominent ridgeline and the sky. For the purposes of these guidelines, a canopy of existing trees located on the top of a ridgeline shall be considered a part of the prominent ridgeline.



Fig 5. - Buildings shall be located below prominent ridgelines.

- b. Building height shall not exceed 33 feet on buildings with a sloping roof and 30 feet for buildings with a flat roof as measured vertically from average elevation of the existing grade or finished grade (whichever is the more restrictive), at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip and gambrel roofs (refer to Figure 1).
- c. All buildings shall be located within an approved building envelope (if applicable).

33.11 Review Criteria for Land Use Permits on Ridgeline Land. The following design criteria shall be used by the Planning Staff to evaluate applications on ridgeline land. It shall be the burden of the applicant to demonstrate that proposed development complies with the following criteria, that one or more of the criteria are not applicable, or that a practical solution consistent with the purpose of this section has been achieved. The planning staff shall act on applications by either approving, approving with conditions or denying the application based on compliance with the following criteria:

- a. Buildings, site improvements and driveways shall be sited and designed to minimize the loss of vegetation and the need for site grading, cuts and fills and retaining walls.

- b. Buildings shall be designed to bench into hillsides and building level changes shall be accomplished by stepping the building with the natural contours of the site (refer to Figure 2).
- c. Existing vegetation and natural topography of a site shall be incorporated into the design and siting of buildings, site improvements and driveways in order to minimize their visibility from roadways within the District and to integrate improvements with the natural characteristics of the site.
- d. Site grading shall be designed to blend with the natural contours of the site by feathering all cuts and fills into existing natural grades. Overlot grading of a site to create a flat building site is not permitted (refer to Figure 3).
- e. If warranted by site conditions, the use of retaining walls are encouraged in order to minimize grading, preserve existing plant materials and reduce overall site disturbance. Retaining walls visible from roadways or adjacent properties shall not exceed six feet in height. Retaining cuts in excess of six feet shall be accomplished by two or more retaining walls. In such cases, retaining walls shall be separated by a minimum of two feet in order to allow for the introduction of landscape materials.
- f. Driveways shall follow existing contours to the extent possible and be designed to minimize the loss of vegetation and the need for grading and cuts and fills. Appropriate driveway standards may vary depending on site specific considerations. Generally, driveways should not exceed 10 percent slope and 14 feet in width. In order to facilitate revegetation, cut and fill slopes should be regraded to no more than a 2:1 slope. Regraded slopes in excess of 2:1 slope may be approved if steeper slopes will minimize site disturbance and preserve existing vegetation. Soils and slope stability analyses shall be required for all driveways located on slopes in excess of 25 percent and such driveways shall be designed by a licensed engineer (refer to Figure 4).
- g. The color of exterior walls, roofs and retaining walls shall be limited to muted earthtones. Such colors should be selected to blend buildings and improvements with the terrain and vegetation of the surrounding landscape. All roofs shall be constructed of non-reflective materials.
- h. Exterior lighting shall include horizontal cutoffs and be designed and located in a manner that minimizes the impact of direct light sources on adjacent properties, rights-of-way and roadways. Lighting shall be limited to low-level down lighting necessary to illuminate driveways, walks and entryways for safety and security purposes. Uplighting of trees or structures is not permitted.

- i. The revegetation and erosion control plans shall provide appropriate measures for short-term soil stabilization and control of site drainage and the long-term restoration of disturbed areas of the site.
- j. Structures and site improvements shall be designed in accordance with soils and slope suitability analyses (if applicable).
- k. The construction/site disturbance plan shall limit site disturbance to an area of the site no larger than necessary to develop the site in accordance with approved plans and shall include on-site measures necessary to limit disturbance of the site and protect existing vegetation.

33.12 Variances for Land Use Permits on Hillside Land. Variances to Section 33.7 Design Standards for Land Use Permits on Hillside Land shall be considered by the Commission in accordance with the procedures outlined in the Variance Section of the Zoning Regulation. Prior to approving a variance request, the Planning and Zoning Commission shall make one or more of the following findings:

- a. Compliance with one or more of the design standards would deprive an owner of the reasonable use of its property;
- b. There are no practical alternatives to locating buildings on portions of the site that exceed 25-percent slope. Prior to approving a variance to build on portions of a site in excess of 25 percent, the applicant shall demonstrate that soil and or geologic conditions of the site are such that the proposed development does not pose a danger to the public health and safety, or that any potential hazard can be reduced to a reasonable level with corrective engineering or other mitigating measures. All building foundations, retaining walls, roads and utilities shall be designed by a licensed engineer in accordance with the recommendations of soil and/or geotechnical studies.
- c. The proposed variance will result in greater compliance with the overall intent of Section 33.1 by preserving the natural character, visual quality and aesthetic value of hillsides in a manner that would not otherwise be possible by the strict adherence to Section 33.7 Design Standards for Land Use Permits on Hillside Land.
- d. Additions or remodels of existing structures on hillside land shall be exempt from the provisions of Section 33 provided the square footage of such addition does not exceed 50 percent of the square footage of the existing structure.

33.13 Variances for Land Use Permits on Ridgeline Land. Variances to Section 33.9 Design Standards for Land Use Permits on Ridgeline Land shall be considered by the Planning and Zoning Commission in accordance with the procedures outlined in the Variance Section of the Gallatin Canyon/Big Sky Zoning Regulation. Prior to approving a variance request, the Planning and Zoning Commission shall make one or more of the following findings:

- a. Compliance with one or more of the design standards would deprive an owner of the reasonable use of his/her property.
- b. There are no practical alternatives to building on a prominent ridgeline. In the event that a building is approved on top of a prominent ridgeline, such building shall not exceed 24 feet in height.
- c. The proposed variance will result in greater compliance with the overall intent of Section 33.1 by preserving the natural character, visual quality and aesthetic value of ridgelines in a manner that would not otherwise be possible by the strict adherence to Section 33.9, Design Standards.
- d. Additions or remodels of existing structures on hillside or ridgeline lots shall be exempt from the provisions of Section 33.10, Land Use Permits on Ridgeline Land, provided the square footage of such addition does not exceed 50 percent of the square footage of the existing structure.

33.14 Proposed Subdivision of Hillside and Ridgeline Land. The design standards, review criteria and variance and exemption provisions of this section shall apply to all minor and major subdivision applications on hillside or ridgeline land.

- a. Applicability of Zoning Requirements to Subdivision Process. Design standards and review criteria outlined in this section shall be used by the County Commission in conjunction with applicable subdivision review criteria to evaluate the proposed subdivision of hillside or ridgeline land. In the event of any conflicts between these design standards and subdivision review criteria, the most restrictive provision shall apply.

Submittal material shall include all material required by the subdivision regulations for minor or major subdivisions and photo overlays, visual simulations, field staking or other visual techniques to demonstrate the location and visual impact of proposed development sites.

If warranted by the nature of the proposed development, the presence of unique site characteristics or other considerations, the Planning Staff may modify or waive any of the submittal requirements listed above.

33.15 Design Standards for the Subdivision of Hillside and Ridgeline Land. Subdivision applications on hillside land shall comply with each of the following design standards:

- a. Building envelopes shall be required for all proposed lots. The building envelope defines the portion of each lot within which all improvements must be located. Improvements shall include all buildings and garages. Decks, patios, terraces, retaining walls, fences, recreational facilities and site access may be located outside of the building envelope.
- b. No portion of a building envelope shall exceed 25-percent slope.
- c. Any portion of a site in excess of 40-percent slope shall not be considered in the calculation of allowable density on land zoned or proposed to be zoned for densities greater than one unit per 20 acres.
- d. Building envelopes on ridgelines shall be sited such that the future development of the building envelope can be accomplished without breaking the natural silhouette created by the prominent ridgeline and the sky. For the purposes of these guidelines, a canopy of existing trees located on the top of a ridgeline shall be considered a part of the prominent ridgeline.

33.16 Review Criteria for the Subdivision of Hillside and Ridgeline Land. The following design criteria shall be used by the Board of County Commissioners for subdivision applications on hillside land. It shall be the burden of the applicant to demonstrate that the proposed PUD and subdivision complies with each of the following criteria, that one or more of the criteria are not applicable, or that a practical solution consistent with the purpose of this section has been achieved.

- a. Building envelopes shall be sited to utilize existing vegetation and natural topography of the site in order to integrate the building with the site and to minimize the visibility of the building from US Highway 191 and Montana Highway 64.
- b. Building envelopes shall be sited such that future access to the envelope can be integrated with the natural characteristics of the site in a manner that will require a minimal amount of site grading, cuts and fills, retaining walls and loss of vegetation.

33.17 Variances to 25 Percent Slope Limitation for New Building Envelopes on Hillside Land. It is the intention of these regulations that no portions of new building envelopes exceed 25 percent slope. However, if properly sited, designed and engineered, construction on slopes between 25 to 40 percent can be accomplished while mitigating potentially adverse visual and safety impacts commonly associated with development on steep slopes. The purpose of this section is to establish criteria for reviewing proposed subdivisions that include building envelopes with slopes between 25 to 40 percent.

Review procedures and submittal requirements for variance requests to the 25 percent slope limitation for proposed building envelopes shall be as outlined in Section 44 and this section. The burden of proof shall be on the applicant to demonstrate that the proposed building envelopes are in compliance with all applicable guidelines and development standards. The following submittal material shall also be provided by the applicant:

- a. Specific design guidelines and standards proposed by the applicant that demonstrate how the proposed development of said building envelopes will comply with all applicable review criteria.

If warranted by the nature of the proposed development, the presence of unique site characteristics or other considerations, the Planning Staff may modify or waive any of the submittal requirements listed above.

- b. **Design Standards.** In addition to design standards and review criteria outlined in the subdivision regulations, subdivision applications for variances to the 25-percent slope limitation for proposed building envelopes on hillside land shall comply with each of the following design standards:

1. Building envelopes shall be required for all proposed lots. The building envelope defines the portion of each lot within which all improvements must be located. Improvements shall include all buildings and garages. Decks, patios, terraces, retaining walls, fences, recreational facilities and site access may be located outside of the building envelope.
2. No portion of the proposed building envelope shall be located on slopes in excess of 40 percent and no access or site improvements shall be permitted on portions of a site that exceed 40 percent slope.
3. All building foundations, retaining walls, roads and utilities shall be designed by a licensed engineer in accordance with applicable soil and/or geotechnical studies.

- c. Review Criteria. The following review criteria shall be used by the Planning and Zoning Commission for evaluating proposed variances to the 25-percent slope limitation for new building envelopes:

1. Submittal material and design guidelines and standards prepared by the applicant shall clearly demonstrate that locating building envelopes on land with slopes in excess of 25 percent will lessen the visual impacts and improve the overall environmental and aesthetic quality of the proposed subdivision in a manner that would not otherwise be possible by the strict adherence to Section 34.14, Design Standards.

2. Soils analysis and geotechnical studies shall clearly demonstrate that the development of the proposed subdivision and lots does not pose a danger to the public health and safety or that any potential hazard can be reduced to a reasonable level with corrective engineering or other mitigating measures, and that any necessary mitigating measures shall be incorporated into the development of the subdivision and the subsequent development of proposed building envelopes.
3. Building envelopes are sited to utilize existing vegetation and natural topography of the site in order to integrate the building with the site and to minimize the visibility of the building from US Highway 191 and Montana Highway 64.
4. Building envelopes are sited such that future access to the envelope can be integrated with the natural characteristics of the site in a manner that will require a minimal amount of site grading, cuts and fills, retaining walls and loss of vegetation.

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SECTION 34 PARKING

- 34.1 Purpose. The purpose of these standards is to prevent traffic congestion by requiring provision of adequate off-street parking and loading areas.
- 34.2 Off-Street Parking Required. All uses and buildings shall provide the minimum number of off-street parking spaces required by Table 2. Parking areas shall be properly graded and drained paved surfaces and parking spaces shall be at least nine feet by 20 feet in size for parking of any motor vehicle. A stormwater runoff management plan will be required for any parking area of more than 20,000 square feet in size. *(Amended: County Commission Resolution No. 1997-81)*
- 34.3 Off-Street Parking Requirements for Uses Not Listed. The classification of uses and the off-street parking requirements for uses not listed in Table 2 shall be determined by the Zoning Enforcement Agent. Any person who disputes a decision of the Zoning Enforcement Agent may request a review of that decision using the appeals procedure of Section 38.3.
- 34.4 Location of Off-Street Parking. Off-street parking shall be located on the same lot or within 600 feet of the building or use served, except for spaces serving a dwelling unit, which shall be within 100 feet of the dwelling unit.
- 34.5 Shared Parking. Two or more uses may share parking where:
- a. The total number of spaces provided is not less than the sum of spaces required for all buildings or uses served, and
 - b. A contract providing for shared parking for a period of at least 20 years is executed before any approvals are obtained.
- 34.6 Reduction of Required Parking. The Zoning Enforcement Agent may authorize a reduction in the number of required parking spaces only if the following conditions are met: (1) Parking will be shared by two or more uses; (2) An application shall be submitted which proves there will no substantial conflict in the principal operating hours of the proposes uses.
- 34.7 Passenger Loading Areas. Day care centers, schools, and places for public assembly shall provide at least one safe, properly signed off-street passenger loading area.
- 34.8 Freight Loading Areas. Commercial and industrial buildings and uses shall provide one safe, properly signed off-street freight loading area for each 10,000 square feet of gross floor and/or outdoor storage area. Off-street freight loading areas shall be on the same lot or parcel and under the same ownership as the building or use they serve, be designed to accommodate the largest vehicle that may reasonably be anticipated, and have the following minimum dimensions:
- a. *Vertical clearance of 14 feet.*
 - b. *Width of 12 feet.*
 - c. *Depth or length of 35 feet.*

No vehicle parked in an off-street freight loading area shall extend into a public right-of-way.

- 34.9 Access to Off-Street Parking and Loading Areas. Properly graded and drained driveways shall be provided for safe access to off-street parking and loading areas, including the off-street parking for single-family dwellings. No parking or loading area shall create a situation in which vehicles are required to back onto a public road. Parking areas for single-family dwellings with access to local and collector roads are exempt from this requirement.
- 34.10 Circulation in Off-Street Parking Areas. The pattern of circulation within parking areas shall be designed to provide safe and efficient access to individual parking spaces, protect pedestrians moving through the parking area, and facilitate safe access to public streets.
- a. Minimum aisle widths shall be as follows:
 - Two way circulation and 90° parking: 24 feet.*
 - One way circulation and 60° parking: 18 feet.*
 - One way circulation and 45° parking: 15 feet.*
 - One way circulation and 30° parking: 13 feet.*
 - b. Where one-way circulation is used, directional signs shall be installed at all access points to the parking area.
 - c. No parking area shall be designed so that circulation from one portion of the area to another relies on a public street.
 - d. A separate pedestrian pathway or sidewalk shall be provided through parking areas to the destination. The path shall be clearly designated by trees and other plantings.
 - e. All parking areas shall also provide adequate snow storage and removal space. Snow storage areas shall be located away from sidewalks, driveways, entries and exits.
 - f. In any parking area which includes more than 15 spaces, 10 percent of all parking area shall be used for internal landscaping. A landscape border not less than 15 feet wide shall be provided around the perimeter of all parking areas. Parking areas shall be designed so that a landscaped area separates every 10 spaces. Total parking areas shall be broken into sections that do not exceed 40 cars each. Each section shall be separated by landscaping and traffic circulation lanes. Landscaped areas shall be designed to accommodate snow piles without damage to plants and trees. All parking area landscape areas shall be landscaped with a combination of trees, shrubs and ground covers.

- g. Parking and landscape plans shall be submitted in accordance with the requirements of Section 29.

Table Two: Minimum Parking Space Standards

Land Use	Parking Spaces
Dwellings	2 Per Unit
Lodging Places	1 Per Unit Plus 1
Theaters and Places of Assembly	.33 per Seat
Elementary and Junior High Schools	1 per Classroom Plus 1
Rest Homes and Similar Uses	2 per Bed

Land Use	Parking Spaces per 1,000 Feet of Gross Floor Area
Eating, Drinking Places	15
Financial, Real Estate, Insurance	3
Beauty and Barber Services	6
Other Personal Services, Misc. Services	3
Health Services	5
Professional Services	3
Shopping Centers	4
Mixed Office Uses	3
Building Materials, Farm Equipment, and Furniture	1
Hardware, Apparel, Misc Retail Uses	3
General Merchandise, Groceries	4

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SECTION 34.11 **PARKING**

34.11 Town Center Commercial District: The provisions of Sections 34.1 through 34.10 and the provisions set forth in this Section (34.11) shall apply to the Town Center Commercial District. Where the provisions set forth in this Section conflict with any other parking provisions, they shall supercede such other provisions.

a. Parking district. A parking district or similar community services district shall be created for the Town Center Commercial District. All parking within the Town Center Commercial District shall be administered by the parking district. The parking district shall provide, among other things, for the following:

- (1) Execution and administration of all contractual arrangements related to parking, shared parking, and reduction in required parking including contractual arrangements linking land uses to the provision of required parking spaces.
- (2) Maintenance and operation of all parking lots and parking areas.
- (3) Formulation and enforcement of parking regulations.
- (4) Compliance with all minimum parking standards set forth in the Gallatin Canyon/Big Sky Zoning Regulation.
- (5) A requirement that all parking spaces shall at all times be kept available for their intended use.
- (6) A requirement that, if, for any reason, parking spaces are eliminated, such spaces shall be provided elsewhere within the parking district.
- (7) Preparation and adoption of a Parking Management Plan that shall include, but not be limited to procedures for determining shared parking and reduction of required parking.

Adoption of by laws or similar governing provisions that implement the parking provisions of Section 34 shall be subject to the review and approval of the Gallatin Canyon/Big Sky Planning and Zoning Commission (new provision).

b. On-street Parking. On-street parking spaces shall be included in the calculation of the supply of parking spaces. In calculating parking requirements for individual buildings, on-street parking spaces shall

be included only if they are not previously allocated to another building or use. (new provision)

- c. Pedestrian Circulation. Separate pedestrian pathways shall not be required within parking lots due to the practical considerations concerning snow plowing and snow removal. (supercedes 34.10.d)
- d. Landscaping. A landscape border not less than 15 feet in width shall be provided around the perimeter of all parking lots. In order to minimize the impact on drifting snow as well as damage to plant materials, such landscaped border shall be a combination of trees and groundcovers. Due to the practical considerations concerning snow plowing and snow removal, no additional, internal landscaping shall be required, other than as specified below (supercedes 34.10.f, sentences 1-5). Deciduous trees with tree-guards shall be provided at both ends of parking areas and shall be used to separate parking areas of greater than 20 spaces in length. (supercedes 34.10.f, sentences 6 & 7)
- e. Freight Loading Area. One freight loading area shall be required for each block-front building and shall be designed to provide easy access to the rear entry of the building, accommodate the largest vehicle that may reasonably be anticipated, and have the following minimum dimensions: (supercedes 34.8)
 - 1. Vertical clearance of 14 feet.
 - 2. Width of 12 feet.
 - 3. Length or depth of 35 feet

(Amended: County Commission Resolution No. 2000-18 on April 11, 2000)

SECTION 35 RESIDENTIAL CLUSTER DEVELOPMENT (RCD)

35.1 Applicability: These requirements shall apply to the subdivision of all property that is zoned RC-SF-1, RC-SF-2.5, RC-SF-5, RC-SF-10, RC-SF-20, RC-SF-40 and RC-SF-100.

35.2 Intent: The intent of this district is to:

- a. Establish a procedure for development which will result in improved living, working, and recreational environments.
- b. Promote an efficient and cost effective pattern of development by placing the development on one or more portions of a parcel to permanently protect other portions of the site.
- c. Encourage ingenuity and originality in total area and individual site design.
- d. Conserve, as permanent open space, important natural features, wildlife habitat, water resources, and scenic areas for the benefit of present and future residents.
- e. Provide buffers between adjoining properties and provide better protection of natural and scenic resources than would otherwise be provided by a conventional development plan.
- f. Create and preserve usable open space to serve recreational, scenic and public service needs.
- g. Preserve important site vegetation, outstanding natural topography and geologic features, while preventing soil erosion.
- h. Enhance the visual impact of development and the environment.
- i. Provide a density bonus as an incentive for increased open space.
- j. Permit flexibility of design for the placement of buildings, circulation and off-street parking areas in order to promote the most appropriate and efficient use of land.

(Amended: County Commission Resolution No. 1998-25)

35.3 General: To meet the intent of the Residential Cluster Development District:

- a. Variations in lot areas are permitted.
- b. Procedures are established to assure adequate maintenance and restricted use of open spaces for the benefit of the residents of the properties and for dedication to public use.
- c. Procedures are established to protect existing and potential development adjoining proposed cluster developments.

- 35.4 Maximum Allowable Units: To calculate the allowable units, divide the number of acres in the parcel by the zoning designation (i.e., RC-SF-2.5, RC-SF-5, etc.) as shown on the officially adopted Zoning Map, plus any bonus units as approved by the Planning and Zoning Commission in accordance with Section 35.12.

If the number of allowable units results in a fractional number, the fractional number shall be rounded-off to the nearest whole number to determine the allowable units for the parcel. Any density bonus percentages shall be applied to the whole number determinations of allowable units of the parcel. If the density bonus units result in a fractional number, that number shall be rounded-off to the nearest whole number to determine the total bonus units allowed within the parcel.

For the purpose of rounding-off, .50 and above shall be rounded up to the next highest number, and .49 and below shall be rounded down to the next lowest number.

- 35.5 Minimum Lot Size: As approved through the cluster review process.

- 35.6 Permitted Uses: As set forth in the underlying zoning category.

- 35.7 Conditional Uses: As set forth in the underlying zoning category.

- 35.8 Required Setbacks: As required in the underlying zoning category.

- 35.9 Minimum Lot Width: As approved through the cluster review process.

- 35.10 Mandatory Standards for Clustered Developments:

- a. The development shall contain at least 40 percent open space. The open space shall be designed to be usable for its intended purpose and permanently protected and shall meet the requirements for open space set forth in Section 35.11.
- b. Residences shall be serviced by an interior road network; dwellings shall not front on or gain access from arterial roads.
- c. Individual lots, buildings, streets and parking areas shall be designed to minimize alteration of the natural site features.
- d. Open space areas shall include wildlife habitat and irreplaceable natural features such as, but not limited to, stream beds, significant stands of trees, rock outcroppings and significant views.
- e. Open space intended for a recreation or public use shall be accessible to pedestrians.

- f. Individual lots, buildings and units shall be arranged and situated to relate to surrounding properties, to improve the view from and of buildings and to minimize road area.

35.11 Mandatory Standards for Open Space.

- a. Compliance with Plan: The Wildlife Habitat and Trail Maps adopted as a part of the GC/BS Plan shall be used to determine the appropriate location of open space and trails.
- b. Open Space Uses: Open space shall be preserved and maintained for one or more of the following uses which shall be noted on the final plat: passive and active recreation, wildlife habitat and protection of scenic, unique or important natural features.
- c. Preservation in Perpetuity: All open space land shall be preserved in perpetuity by either of the following methods:
 - 1. Open space parcel.
 - 2. Dedication as a park according to the requirements of the Gallatin County Subdivision Regulations.
 - 3. A perpetual conservation easement restricting development of the open land and allowing only open space uses as provided above. The conservation easement shall meet all requirements set forth in 76-6-201, MCA, et.seq. The conservation easement shall be granted to an organization acceptable to the Zoning Commission.
- d. Open Space Qualification. Open space areas shall not include rights-of-way, parking areas, setbacks, yards and land within individually owned lots.
- e. Ownership of Open Space Land: Open space land may be owned in common by an owner's association (OA), dedicated to the County or State, transferred to a non-profit organization acceptable to the Zoning Commission, held in private ownership or held in such other form of ownership as the Planning and Zoning Commission finds adequate to fulfill the intent set forth in Section 35.1. The appropriate form of ownership shall be based upon the purpose of the open space reservation.
- f. Standards for Owners Associations: If the open space land is owned in common by an OA, such OA shall be established in accordance with the following:
 - 1. Membership shall be mandatory for each owner, who must be required by recorded covenants and restrictions to pay fees to the OA for taxes, insurance, and maintenance of common open space, private roads and other common facilities.

2. The OA must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities and private roads.
3. The assessment levied by the OA must be able to become a lien on the property.
4. The OA shall be responsible to adjust the assessment to meet changed needs.
5. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against individual owners in the OA and the dwelling units they each own.
6. The attorney for the County shall find that the OA documents presented satisfy standards (1) through (5) above and such other conditions as the Planning and Zoning Commission shall deem necessary.

35.12 Bonus Units: Bonus units may be awarded if the applicant exceeds the required minimum open space, as set forth in Table One. For an explanation of the calculation of units, see Section 35.4.

TABLE ONE: OPEN SPACE BONUS UNITS

Amount of Open Space	Bonus Units
50%	10%
60%	15%
70%	20%
80%	25%

35.13 Review Process for Cluster Development: If the applicant does not request the use of any bonus units, the review of cluster developments shall be administered by the Gallatin County Planning Staff. Upon submittal of a complete application for a cluster development, the Planning Staff shall review the application for compliance with the requirements of this section and other applicable sections of this regulation. Reviews shall be completed within 45 days of receipt of a complete submittal. Appeals of staff decisions shall be considered in accordance with the provisions set forth in Section 41.

If the applicant requests the use of bonus units, the application shall be reviewed as a conditional use according to the procedures set forth in Section 41.

35.14 Submittal Requirements: All cluster development applications shall include the following:

- a. Completed and signed application form.
- b. All applicable fees.
- c. A traffic study, if the proposed development will generate 500 or more vehicular trips per day.

- d. A site plan showing:
 - 1. Property lines and easements, with dimensions and area.
 - 2. Topographic information.
 - 3. Existing vegetation, wildlife habitat, watercourses, wetlands, soil types and floodplains.
 - 4. Existing land uses.
 - 5. Location and dimensions of existing and proposed structures, utilities, trails and improvements.
 - 6. Land use designations.
 - 7. General circulation system, including streets and multi-use pathways.
 - 8. Number and types of dwelling units.
 - 9. Number of off-street parking places.
 - 10. General landscape plan.
 - 11. Amount and location of open space.
 - 12. Amount, location, purpose and use of common space.
 - 13. Proposed treatment of perimeter boundary of the development.
- e. Proposed covenants and homeowner's association, documents which provide for the maintenance of common areas, appropriately limit the use of open space, assign the right to use common property to each lot owner and provide for association assessments.

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SECTION 36 SIGNS (Amended: County Commission Resolution No. 1997-81)

36.1	Intent	36.8	US Highway 191
36.2	Definitions	36.9	Non-Conforming Signs
36.3	Permit Procedures	36.10	Design Standards
36.4	Permitted Signs	36.11	Computations
36.5	Prohibited Signs	36.12	Master Sign Permits
36.6	Exempt Signs	36.13	Violations
36.7	Temporary Signs		

36.1 INTENT. The purpose of this sign regulation is to preserve and maintain the Gallatin Canyon/Big Sky Zoning District as a visually attractive environment. These regulations are designed to encourage integrated and harmonious signage and to enable the identification of places, residences and businesses. These regulations are intended to lessen hazardous situations, confusion and visual clutter caused by the proliferation, improper placement, illumination, animation, and excessive height and bulk of signs.

36.2 DEFINITIONS.

Banner. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges (see *Exempt signs*).

Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot at the light source; also, any light with one or more beams that rotate or move.

Billboard/off-premise sign. A permanent outdoor sign which advertises foods, products or services not sold on the premises on which said sign is located (see *Prohibited signs*).

Canopy sign. Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy (see *Permitted signs*).

Changeable copy sign. A sign or portion thereof with characters, letters, numbers or illustrations that can be periodically or seasonally changed or rearranged without altering the face or the surface of the sign (see *Exempt signs*).

Commercial message. Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Construction sign. A temporary sign erected on the premises where construction is taking place, indicating those having a role or interest with respect to the current project (see *Temporary signs*).

Directional sign. Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way,” “entrance” and “exit,” (see *Exempt signs*).

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or educational, religious or charitable institution (see *Exempt signs*).

Free-standing sign. Any nonmovable sign not affixed to a building (see *Permitted signs*).

Hanging sign. A sign hanging down or suspended from a marquee, awning, porch or the underside of a horizontal or inclined surface (see *Permitted signs*).

Home occupation sign. A sign containing only the name and occupation of a permitted home occupation (see *Exempt and Prohibited signs*).

Incidental or informational sign. A sign, generally informational, that has a purpose secondary to the use of the parcel on which it is located, such as “no parking,” “loading area,” “entrance,” “restrooms,” pickup and delivery areas and other directives. No sign with a commercial message shall be considered incidental (see *Exempt signs*).

Marquee. Any permanent roof-like canopy, often of metal or glass, projecting over an entrance (see *Permitted signs*).

Name plate. A sign, located on the premises, giving the name or address, or both, of the owner or occupant of a building or premises (see *Exempt signs*).

Non-conforming sign. A sign that does not conform to regulation requirements.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind (see *Prohibited signs*).

Political sign. A temporary sign announcing or supporting political candidates or issues in connection with an election (see *Exempt signs*).

Portable yard sign: Portable yard signs (such as a sandwich-board sign), generally located on site, are intended to be displayed for less than 24 hours at a time for the purpose of announcing a garage sale, yard sale, open house, special sale or similar event (see *Exempt signs*).

Portal. A rustic entrance gate of stone, log or lumber, or combinations thereof, which may contain words, symbols or brands, indicating the address or identity of a park, farm, ranch or residence (see *Exempt signs*).

Projecting sign. Any sign affixed to a building or wall in a way that its leading edge extends more than six inches beyond the surface of the building or wall (see *Permitted signs*).

Real estate sign. A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located (see *Exempt signs*).

Sign. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of a person or entity, or to communicate information of any kind to the public.

Sign area. The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure (see *Computations*).

Special purpose sign. Signs and banners promoting events sponsored by civic, charitable, educational or other non-profit organizations (see *Exempt signs*).

Temporary sign. Any sign, not permanently mounted, used only temporarily (over 24 hours and not displayed for over 120 days). Temporary signs may announce properties for sale, lease or rent, or non-commercial signs (see *Temporary signs*).

Wall sign. Any sign attached to, and within six inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, supported by the wall or building (see *Permitted signs*).

Window sign. Any sign in a window designed to communicate information (see *Permitted signs*).

Zoning Enforcement Agent. The Gallatin County Planning Director or his/her designee.

36.3 PERMIT PROCEDURES. No person shall erect, alter, or relocate any permanent or temporary sign within the District without first obtaining a sign permit, unless the sign is exempt under this regulation. The following procedures shall govern all sign permits and Master Signage Plans:

A. General Procedures:

1. All sign permit or Master Signage Plan applications shall be submitted to the Zoning Enforcement Agent (the "Agent") in accordance with forms provided by the Gallatin County Planning Office. Applications must conform in every respect with the requirements of this ordinance and with any applicable Master Signage Plan.

2. The Agent shall review a sign permit application for completeness within five working days following receipt of the application. The Agent shall issue or reject the sign permit within 14 working days following submittal of a complete application.
3. A Master Signage Plan application shall be approved or rejected within 21 working days following submittal of a complete application or on the date of final action on any related application (land use permit, site plan, variance, conditional use permit, or development plans for signs involving new construction).
4. Detailed drawings showing the dimension, design, structure, and location of each sign are required. One application and permit may include multiple signs on the same lot.
5. Application fees in the amount of \$25 for an individual sign permit and \$50 for a Master Signage Plan must be paid at time of submittal to the Gallatin County Planning Office.

B. Variances: The County Commission shall consider variances in accordance with procedures outlined in this regulation (Section 43).

C. Inspections: The Agent shall inspect the lot for which each permit for a new or modified sign is issued within six months following issuance of a permit. The permit shall lapse and become void if construction is not completed within one year.

36.4 PERMITTED SIGNS. The following sign types are allowed subject to review based upon the regulations set forth in this code (see Exempt Signs (Section 35.6 for permitted signs which are exempt from review):

A. Free-standing signs.

1. Zoning restrictions. Free-standing signs are permitted in all zoning categories. In residential districts, free-standing signs are permitted only as part of subdivisions of 10 lots or more or master planned developments.
2. Setback and orientation. Free-standing signs must comply with appropriate setbacks. Perpendicular or parallel alignment is permitted provided that signs perpendicular to the road are finished on both sides, and that parallel signs maintain a setback of at least 25 feet from edge of pavement or gravel. The Agent may decrease this setback if siting affects public health and safety.

3. Density. One free-standing sign is the maximum permitted per lot or project. Two free-standing signs may be permitted, subject to Agent approval, if the property has more than 1000 feet of continuous frontage and more than one entrance. The square footage of both signs may not exceed 72 square feet (one 36-square-foot sign per entrance). Where there is frontage on more than one street, each frontage is treated independently although signage area cannot be transferred from one frontage to another.
4. Design. Free-standing monument signs with solid or enclosed bases are permitted. Signs supported by two or more poles without enclosed bases are also permitted provided that the exposed poles' height do not constitute more than 50 percent of the sign's overall height (i.e., the height of the open area beneath a sign cannot exceed 50 percent of the sign's total height). Single pole signs are not permitted except if used in conjunction with a horizontal cross-bar to support hanging signs on one side of the pole only, subject to the required projection and clearance provisions (Section 36.10).
5. Height limit. Free-standing signs cannot exceed 15 feet in height.
6. Size. Free-standing signs shall be limited to a maximum of 36 square feet unless a building has no other signage, in which case 45 square feet of signage is allowed (unless the sign is located on property fronting US Highway 191 as described in Section 36.8).

Content. Free-standing signs can only identify the building or business name.

B. Window signs. Permanent window signs may be placed as follows:

1. On windows below the second floor, no more than 25 percent of the window shall be obscured.
2. Windows on or above the second floor shall be limited to not more than two rows of lettering identifying the business with characters not exceeding six inches in height.

C. Wall signs. Wall signs must meet all required standards and shall be placed so as to utilize a building's architectural features without obscuring them.

D. Projecting signs. Projecting signs cannot exceed 18 square feet or project more than 36 inches from a building's face. Projecting signs must have at least eight feet of ground clearance unless reduced according to the projection and clearance provisions of Section 36.10 and cannot exceed the building height. Projecting signs may not extend beyond the applicant's property.

- E. **Hanging signs.** Hanging signs shall not project beyond the building, canopy, awning or colonnade and must have at least eight feet of ground clearance.
- F. **Awnings.** Awnings must blend with the architecture and not obscure details of the building. Awnings are counted as signage if they have lettering or other graphics conveying a commercial message or the name of a business or product sold in the building to which the awning is attached. The following restrictions apply to awnings:
1. **Signage area.** Only 20 percent of any one face of an awning may be used for signage.
 2. **Material.** Material should be high quality, colorfast and fade-resistant.
 3. **Color.** Awning colors are generally limited to a single field color with a contrasting color for lettering and logos. Two field colors may be used on a striped awning.
 4. **Illumination.** Illuminated (back lighted) translucent awnings or translucent letters on opaque backgrounds are not permitted (unless in conformance with Section 36.10).
 5. **Clearance and projection.** Awnings must have a minimum clearance of eight feet to the frame and seven feet to the bottom of the valance. Awnings may project a maximum of 36 inches from building face except when used as entrance canopies.
 6. **Entrance canopies.** Entrance canopies may be used only if they lead to an entrance of a commercial use and if compatible with the building's architecture.
 7. **Location of awnings.** Awnings can only be used in a traditional manner above doors, windows, or walkways. Free-standing awnings are prohibited.
- G. **Neon signs.** Neon may be used only for window signs. Animated neon is not permitted.
- H. **Changeable copy signs.** Changeable copy signs may only be used in conjunction with theaters and gas stations (price listing only).
- I. **Directory signs.** A maximum of 36 square feet of directory signage is permitted to provide information for commercial or residential projects.

Directory signs can contain the building name, street address, and/or tenant names or unit numbers. Telephone numbers, rental information, or sales information is not permitted. Signs shall be located in the common area of the project and oriented toward a central pedestrian path or common parking area. Directory signs may not be oriented for off-site viewing.

- J. **Directional signs.** Directional signs giving information or direction about recognized areas of regional importance or interest may be a maximum of 16 square feet.

36.5 PROHIBITED SIGNS. All signs not expressly permitted or exempt under this regulation hereunder in accordance with the previous section are prohibited. Such prohibited signs include, but are not limited to:

- A. Beacons.
- B. Billboards or off-premise signs (such as sandwich-board signs).
- C. Pennants.
- D. Light strings. Strings of lights not permanently mounted to a rigid background, except those exempt under Section 36.6.
- E. Neon signs. With the exception of window signs, all neon signs are prohibited.
- F. Home occupation signs are prohibited in the following districts: R-SF-1, R-MF-3500, R-SF-6000, R-SF-6500, R-SF-7500 and R-SF-11,000.
- G. Signs in the public right-of-way. No signs shall be allowed in the public right-of-way, except for the following:
 - 1. **Permanent signs.** Permanent signs, including:
 - a. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, promote public safety, and direct or regulate pedestrian or vehicular traffic.
 - b. Bus-stop signs.
 - c. Incidental or public utility signs.
 - d. In the Meadow Center District only: awning, projecting and suspended signs projecting over a public right-of-way as approved by the Agent and in conformity with this Section.

2. Emergency signs. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

36.6 EXEMPT SIGNS. The following signs shall be exempt from regulation under this ordinance:

- A. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- B. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located.
- C. Works of art, banners, special purpose signs and/or flags that do not include a commercial message.
- D. Holiday lights and decorations with no commercial message.
- E. Non-commercial traffic control signs on private property meeting Department of Transportation standards.
- F. Up to three political signs are permitted on any one parcel of property 60 days preceding and 14 days following a general or special election. Political signs must comply with placement standards of this regulation.
- G. “No trespassing,” “no hunting,” “beware of dog” signs, etc., no larger than four square feet, shall be allowed in all zones. Such signs shall not be located closer than 100 feet to a similar sign.
- H. Name plates, no more than one square foot, identifying the name or address, or both, of the owner or occupant of a building or premises are permitted in all districts. Name plates may be used in lieu of a directory sign on multi-family projects. Directory signs may not be used in conjunction with name plates except that each unit may be identified with a number.
- I. Signs and banners promoting events sponsored by non-profit organizations (special purpose signs) may be placed on private property up to two weeks in advance of the event. Removal must occur five days following event conclusion.
- J. Home occupation signs may be a maximum of two square feet and are only permitted in the following districts: R-SF-2.5, R-SF-5, R-SF-10, R-SF-20, R-SF-40 and R-SF-100.

- K. Portable yard signs are permitted in all districts for no more than 24 hours at a time. No more than two such signs are permitted per property, one of which must be on the property to which the sign pertains, and the other placed off-site for directional purposes.
- L. Portal signs, if over a roadway entrance, shall provide 16 feet of clearance from the road crown to the bottom of the portal. The portal sign shall not hang down more than two feet from its support.
- M. Signs such as “no smoking,” “restroom,” “no solicitors,” and “vacancy,” which relate to the permitted use and/or on-site informational signs are allowed in all districts. Such signs cannot exceed two square feet.
- N. Real estate signs shall be no larger than three square feet and shall be placed on a lot by owners or their agents. Signs must be removed immediately upon closing of the sale or listing expiration.
- O. Copy changes on a changeable copy, or marquee sign, for maintenance or seasonal variation where no structural changes are made, or for copy changes on signs using interchangeable letters.
- P. Menus may be displayed on the inside of restaurant windows or inside a wall-mounted or free-standing display box. Display boxes, a maximum of two square feet, shall be designed and constructed to coordinate with building design, withstand weather and located only on private property.
- Q. Unique/historic signs in existence at the time this regulation was adopted meeting the following criteria as determined by the Zoning Enforcement Agent: (1) The sign is unique because there are few, or no others, similar to it; (2) The sign was not mass designed or produced and; (3) The sign is easily identified with a specific historic and/or cultural era or with an historically or culturally important building.

36.7 TEMPORARY SIGNS: Temporary signs are permitted in all zoning districts upon issuance of a Temporary Sign Permit and the following regulations:

- A. **Time.** Temporary Sign Permits are issued for a specified 60-day period. Only two temporary sign permits shall be issued to the same business or property owner within a given year.
- B. **Location.** Temporary signs must be located a minimum of 20 feet from the edge of the road or be within three feet of a structure. Temporary signs are not permitted in side yards. Signs may be displayed through windows or other glass areas subject to the restrictions of Section 36.4.
- C. **Number.** Only one temporary sign is permitted on any one parcel of property, except political signs (36.6(F)).

- D. **Size.** Temporary signs shall not exceed three square feet.
- E. **Height.** No sign shall extend more than six feet above ground level (without snow). Mounting devices may extend no more than six inches above the sign.
- F. **Temporary construction project signs.** Temporary construction project entry signs are permitted subject to the following regulations:
1. **Size.** Three square feet of temporary signage is allowed per residential unit, and two square feet of signage allowed per 1,000 square feet of commercial floor area. Construction signage cannot exceed 32 square feet in size or 10 feet in height from the ground.
 2. **Location.** Signage must be located according to the required setbacks.
 3. **Time limit.** Construction project signs may be installed upon granting of a County land use permit. The sign may remain so long as initial construction continues. It must be removed if the land use permit expires or if a permanent sign is installed.
- G. **Color and materials.** Temporary signs, and construction project signs are subject to the Design Standards of Section 36.10.
- H. **Lighting prohibited.** No temporary sign, or construction project entry sign may be illuminated in any manner.
- I. **Exceptions.** Exceptions to the sign setback standards due to heavy vegetation or steep terrain may be granted, but not to the size or street orientation standards.

36.8 US HIGHWAY 191. The following requirements pertain to signs on property fronting US Highway 191:

- A. Free-standing signs are limited to a maximum of 100 square feet per building. If a building contains more than one business, a master signage plan must be submitted.
- B. Single-pole signs are permitted on property fronting US Highway 191.
- C. Signs on property fronting US Highway 191 can be internally illuminated.
- D. For property fronting US Highway 191, exposed sign surfaces may be constructed of plastic.

36.9 NON-CONFORMING SIGNS. Any sign in existence on the date of the adoption of this regulation but is not in conformance with the requirements of this regulation shall either be eliminated or brought into conformance no later than five years from the date of adoption. Non-conforming signs are subject to the following requirements:

- A.** No action shall be taken to increase a sign's nonconformity. A change in the information on the face of an existing non-conforming sign is allowed.
- B.** When any change, repair, or maintenance would constitute an expense of more than 25 percent of the lesser of the original value or replacement value of the sign, such non-conforming sign shall either be eliminated or brought into conformance.

36.10 DESIGN STANDARDS. All regulated signs must comply with the following design standards (see Section 36.8 for standards for US 191):

- A. Size requirements.** The total area of all permanent signs on one building face, including window signs, wall signs, projecting signs, and hanging signs, shall not exceed 10 square feet per business per building face or eight square feet per business per building face if used in conjunction with a free-standing sign.
- B. Materials.** Exposed sign surfaces shall be constructed of metal, glass, stone, Dryvit or similar material, concrete, brick, cloth, or solid wood, unless located on property fronting US 191. Other materials may be used in the following applications:
 - 1. The face or background may be constructed of exterior grade plywood.
 - 2. Letters. Synthetic, natural or manufactured materials may be used for individual cut-out or cast letters in particular applications where the synthetic or manufactured nature of the material would not be obvious due to its finish and/or its location on the building. The Agent may approve other materials.
- C. Color.** Signs must be finished in subdued earthtone colors including the full spectrum of soil, clay and coniferous tree colors which compliment the color scheme of the building. Off-whites, deep browns, greens and light grays to black are acceptable. Brighter colors may be used provided they are imbued with brown or black tones. A matte or flat finish is required for all painted surfaces. "Day-glo", fluorescent, reflective colored materials that give the appearance of changing color or brilliant luminescent colors are not permitted.
 - 1. Franchise colors. The use of recognized franchise colors may be approved by the Agent.

- D. **Illumination.** With the exception of property fronting US Highway 191, all signs shall be lighted externally. Light fixtures must not obscure building ornamentation or clutter the building. Spot and flood lights shall be directed only at the sign surface, not directed off the property. No exposed light sources are allowed, and all light sources must be shaded to restrict light rays to the sign. Colored lighting is prohibited.
- E. **Content.** With the exception of theater marquees and filing station prices, sign content is limited to permanent material such as: the business name, the nature of the goods or services offered, and street address. (As previously noted, free-standing signs may only identify the name of the building or one business.) Prices and listing of specific items are prohibited. Logotypes or other symbols are appropriate. Signs including sculptures or other works of art shall be reviewed as a conditional use permit (Section 41). Signs containing misleading content or false information are prohibited. If all requirements are met, signs containing ideological, political or other non-commercial messages shall be permitted.
- F. **Location on building.** Signage should compliment building design, establish a visual continuity with adjacent store fronts, relate directly to the store entrance and be compatible with building mass and scale. Signs must be oriented toward pedestrians or vehicles in close proximity; those oriented for distance viewing are not permitted.
- G. **Setbacks.** Permanent signs shall not be placed in the setback area as defined by the particular zone (except in the Commercial/Industrial Mixed Use District, signs may be set back 10 feet from the property line). The Agent may decrease the setback for reasons relating to public health and safety or due to terrain (see Section 36.7 for setback requirements for temporary signs).
- H. **Projection and clearance.** Signs cannot project more than 36 inches from a building face or pole. Projecting and hanging signs must maintain at least eight feet of clearance from ground level, or seven feet if sign projects or hangs over a landscaped area if the sign is set back at least three feet from any hard surface. Signs may not extend across the applicant's property line.

36.11 COMPUTATIONS. The following principles shall control the computation of sign area and height:

- A. **Individual signs.** Sign area shall comprise the entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

- B. **Multi-faced signs.** Area shall be computed by adding all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 36 inches apart, the sign area shall be computed as the area of one of the faces.
- C. **Height.** Height shall be computed as the distance from the roadway crown to the tip of the highest attached component of the sign.

36.12 MASTER SIGNAGE PLAN. Buildings or clusters of buildings having more than one tenant or use, shall provide a Master Signage Plan for the entire structure or project. The Master Signage Plan must establish a common theme or design, compatible colors, lettering, lettering style, symbols, scale and size of signs and/or identical background and similar construction.

A. General standards.

1. No permit shall be issued for an individual sign until a Master Signage Plan has been submitted to and approved by the Agent.
2. Signage plans for office buildings must focus on building identification. Individual tenants may be identified by using small lettering on a window, door or directories. Total signage area within the plan is subject to the maximum size limitations of this Section. Signage area is not transferable.
3. For multi-tenant retail and mixed-use buildings, sign plans shall be designed so that wall signage is confined to the building surface below the finished floor elevation of the second floor or 20 feet above adjacent natural grade, whichever is lower.

Signs below the finished floor elevation of the second floor may be located on flat wall areas, within windows or on sign bands above windows. Signage above the finished floor elevation of the second floor shall be restricted to one sign per building face identifying the building name and address. The Agent may grant exceptions to building with pre-existing signs band or unique architectural features.

B. Contents. A Master Signage Plan shall contain the following:

1. An accurate plot plan of the lot at the horizontal scale of not less than two hundred feet to the inch.
2. Location of buildings, parking lots, driveways, and landscaped areas on the lot.

3. Computation of the maximum total sign area, the maximum area and height for individual signs, and the number of freestanding signs.
 4. An accurate indication of the proposed location of each present and future sign whether requiring a permit or not (with the exception of incidental signs).
 5. Photographs of any existing signs.
- C. **Window signs.** A Master Signage Plan shall include type of window signs and shall indicate the area to be covered by window signs. The exact dimension or nature of every window sign is not required.
 - D. **Consent.** The Master Signage Plan shall be signed by all owners or their authorized agents as required by the Agent.
 - E. **Procedures.** A Master Signage Plan shall be included and simultaneously processed with any development plan, site plan, planned unit development plan, variance application, conditional use permit application, or any other official plan required by this regulation.
 - F. **Amendment.** A Master Signage Plan may be amended by filing a new plan conforming with all pertinent requirements.
 - G. **Binding effect.** After approval of a Master Signage Plan, all signs erected thereafter shall conform with such plan. Enforcement will occur in the same way as any provision of this regulation. In case of any conflict between the plan and the regulation, the regulation shall control.
- 36.13 VIOLATIONS.** The following are considered violations of this regulation and are subject to the enforcement remedies and penalties provided by this regulation and by state law:
- A. To install, create, erect, or maintain any sign inconsistent with any plan or permit governing such sign or lot on which sign is located.
 - B. To install, create, erect, or maintain any sign requiring a permit without a permit.
 - C. To fail to remove any sign that is installed, created, erected, or maintained in violation of this regulation.
 - D. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this regulation.
 - E. Each sign installed, created, erected, or maintained in violation of this regulation shall be considered separately

SECTION 37 STREAM ACCESS AND PRESERVATION

- 37.1 Intent. The intent of this overlay district is to protect and preserve the water quality and visual quality of streams and riparian habitat and to encourage public access to rivers and streams.
- 37.2 Applicability of Stream Access and Preservation Guidelines. The provisions of this section shall apply to any application for a land use permit or subdivision on land located adjacent to or within 150 feet of the annual mean high water line of the Gallatin River and any other river or stream that flows year around during years of normal rainfall, as determined by the Gallatin County Planning Staff. The “Flood Plain Management Study, Gallatin River at Big Sky”, as prepared by the USDA/NRCS, shall be used as reference where appropriate.
- 37.3 Submittal Requirements for Land Use Permits Along Designated River and Stream Corridors. Submittal materials for applications shall include:
- a. Survey of the subject parcel prepared by a registered land surveyor. The survey shall indicate property boundaries and the location of the annual mean high water line of the river or stream.
 - b. Site Plan at a scale of 1”:20’ or greater indicating the location of all proposed structures, site access and other site improvements.
 - c. Grading and drainage plan drawn at the same scale as the site plan indicating all proposed regrading, cross-sections of all proposed cuts and fills, heights of all proposed retaining walls, and proposed site drainage.
 - d. Erosion control and revegetation plan indicating all proposed measures to control surface water run-off, retain eroded soil material during construction and permanently stabilize disturbed slopes and drainage features upon completion of construction.
- 37.4 Design Standards. All development and site modifications proposed by the land use permit application shall comply with the following design standards:
- a. All buildings and site improvements shall maintain a minimum setback of 100 feet from the annual mean high water line of the Gallatin River and 50 feet from the annual mean high water line of all other designated streams.
 - b. Uses within the stream setback shall be limited to the planting of native riparian vegetation, agricultural uses (with the exception of structures), maintenance of existing non-native vegetation, and the control and maintenance of noxious weeds, deadfall and selected pruning. The removal of existing native vegetation within the setback area is not permitted.

Notwithstanding the above, required setbacks for land use permit applications on lots of record that were legally subdivided or recorded prior to the effective date of this regulation shall be as follows:

- a. All buildings and site improvements shall maintain a minimum setback of 50 feet from the annual mean high water line of the Gallatin River and 25 feet from the annual mean high water line of all other designated streams.

37.5 Review Criteria. The following design criteria shall be used by the Planning Staff to evaluate land use permit applications. It shall be the burden of the applicant to demonstrate that proposed development complies with the following criteria, that one or more of the criteria are not applicable, or that a practical solution consistent with the purpose of this section has been achieved. The Planning Staff shall act on land use permit applications by either approving, approving with conditions or denying the application based compliance with the following:

- a. Appropriate temporary and permanent erosion control measures shall be provided to minimize sediment and other contaminants from interference with the river or stream.

37.6 Variances to Design Standards. Variances to Section 37.4 Design Standards for Land Use Permits Along Designated River and Stream Corridors shall be considered by the Planning and Zoning Commission in accordance with the Variance Section of the GC/BS Zoning Regulation. Prior to approving a variance request, the Commission shall make one or more of the following findings:

- a. Compliance with one or more of the design standards would deprive an owner of the reasonable use of its property;
- b. There are no practical alternatives to building within the required setback area.
- c. The proposed variance will result in greater compliance with the overall intent of Section 37.4 by preserving the water quality and visual quality or river and stream corridors in a manner that would not otherwise be possible by the strict adherence to Section 37.4 Design Standards.

37.7 Proposed Subdivision of Land Located Along Designated River and Stream Corridors. The following review process, design standards, and review criteria provisions shall apply for all minor and major subdivision applications on land located adjacent to or within 150 feet of the annual high water line of any designated river or stream.

37.8 Review Process. Design standards and review criteria outlined in this section shall be used by the Board of County Commissioners in conjunction with applicable subdivision review criteria to evaluate proposed subdivision applications. In the event of any conflicts between these design standards and review criteria, the most restrictive provision shall apply.

If warranted by the nature of the proposed development, the presence of unique site characteristics or other considerations, the Planning Staff may modify or waive any of the submittal requirements listed above.

37.9 Design Standards. Subdivision applications on land located along designated river and stream corridors shall comply with each of the following design standards:

- a. Building envelopes shall be required for all proposed lots. The building envelope defines the portion of each lot within which all improvements must be located. Improvements shall include all buildings, garages, decks, patios, terraces, retaining walls, fences, and recreational facilities. Site access improvements may be located outside of the building envelope.
- b. No portion of a building envelope shall be located within 100 feet of the annual high water line of the Gallatin River or 50 feet from any other designated river or stream.

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